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PAYING THE PRICE

Federally Sentenced Women in Context

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PREFACE

This report completes a study of federally sentenced women in Canada initiated by the Secretariat of the Solicitor General. It was designed to coincide with the Task Force on Federally Sentenced Women established by the Correctional Service of Canada in May 1989. The Report of the Task Force Creating Choices was completed in April 1990 and its recommendations have now been accepted.

While the focus of the study is upon women receiving sentences of two years or more, it also considers them within the context of all women within the criminal justice system. This final report is concerned with the links between the offending histories of federally sentenced women, their life experiences and their experience of imprisonment, and considers what these imply for how we deal with women in conflict with the law in the future.

The first report looked at the recent history of the imprisonment of women in Canada and elsewhere (The Federal Female Offender: Report on a Preliminary Study, 1991-3) and was written in part to provide a background for the work of the Task Force. Two surveys of the federal population were then undertaken for the Task Force including the views of women in prison and on conditional release in the community on the need for programmes, and their experience of imprisonment and release (Survey of Federally Sentenced Women, 1991-4, and The Release Study: Survey of Federally Sentenced Women in the Community, 1991-5).

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PAYING THE PRICE
FEDERALLY SENTENCED WOMEN IN CONTEXT

INTRODUCTION

For some 150 years women have been imprisoned in Canada, but little is known about the conditions under which they have served their sentences, or why they have been imprisoned. Until very recently, there has been only occasional concern with those conditions, with the effects of imprisonment upon women, or with its appropriateness.

In many respects the history of women's imprisonment in Canada is not unlike that found in other countries. The relatively small population of women has been housed along with, and later separated from, the much larger male population. They have been subject to regimes which related to current views on the role of women in society, but generally neglected in terms of the provision of programmes or work. They have been offered little training or treatment appropriate to their needs. The effects of separation from their families both on them and their children have received little attention. They have been classified on the same basis as men without consideration of the differences in their backgrounds or their offending histories. They have been kept in conditions of security which bear little relationship to the risks which they pose to society.

But in other ways the position of Canadian women in prison has a number of unique features. These both stem from, and are a consequence of the historical, political and social development of Canada, and the physical characteristics of the country. They include the enormous size of the country, the relatively small and widely spread population, and the existence of significant language and cultural differences. In particular, the indigenous aboriginal peoples, with their generally impoverished socio-economic status, are disproportionately represented in the imprisoned population. In addition, the federal structure of the country led to a split in responsibility for imprisonment between provincial and federal governments, necessitating the development of parallel institutional systems. The problems which have been created for women have remained largely untackled for those 150 years.

The Task Force on Federally Sentenced Women

It was in the context of these problems that a Task Force on federally sentenced women was set up in 1989 by the Correctional Service of Canada.[1] In anticipation of the Task Force it was decided to undertake a review of the position of women's imprisonment in Canada, and to conduct a study of the federally sentenced population which would provide a more detailed picture of the women, their backgrounds and experiences, and their need for programmes and facilities.

This report completes that study which forms the first comprehensive account of the federally sentenced female population. It is based primarily on a survey of the population of women serving sentences of two years or more in Canadian prisons in 1989, undertaken for the Task Force. Three previous reports have been completed. The preliminary review outlines issues concerning the use of imprisonment for women in Canada and elsewhere, and some of those issues are touched on briefly in this introduction. The second report Survey of Federally Sentenced Women provides a summary of

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[1]. Creating Choices Report of the Task Force on Federally Sentenced Women. Ottawa: Correctional Service Canada. April 1990.

the interviews with the population. It covers their views on the conditions of imprisonment and the kinds of facilities and programmes they feel they need. A third report deals with a smaller survey of women on conditional release in the community.[2] The views of the women themselves were seen as a central aspect of the study.

This final report draws together information on the backgrounds and offence histories of the women with their own accounts of the experience of imprisonment, and considers these in the light of wider concerns about the use of imprisonment for women.

The Imprisonment of Women in Canada

Since the early nineteenth century two parallel systems of imprisonment have existed for both men and women in Canada. Offenders sentenced to imprisonment for any period under two years have served their sentences in provincial prisons and under provincial jurisdiction. Those sentenced to terms of two years or more become the responsibility of the federal government and are detained in federal penitentiaries.

Effectively, therefore, those serving short-term sentences remain in their province and with the limited opportunities for programmes possible in a short-stay institution. Those serving longer terms have access to the training and treatment facilities potentially available in the range of federal institutions across the country. For women up to the present, however, there has existed only one federal prison, resulting in the isolation of the great majority from their home communities and families, and very limited facilities and programmes.

A further consequence of the split in jurisdiction is the loss of information about the whole population of women who come into conflict with the law and their progression through provincial courts, provincial prisons and into the federal prison system. Collective knowledge about these women or the conditions under which they serve their sentences is sparse. What is clear is that large numbers of women enter provincial prisons each year. Some 5,000 women are remanded in custody in provincial prisons each year, and a further 8,800 are admitted for non-payment of fines, or for sentence.

Nevertheless, relatively few women are sentenced to imprisonment and facilities are more limited for women than for men. At the provincial level women comprise about 7% of all prison admissions. At the federal level the discrepancy is even greater. Of the total federally sentenced population of 12,000, only about 250, or about 2%, are women.

Federal Imprisonment

Because of these small numbers federally sentenced women were housed for many years in male penitentiaries including Kingston Ontario. In 1934 a single separate facility for all federal women, the Prison for Women, was opened in Kingston. Since its opening, however, there has been almost constant concern that women suffer more hardship than men by being removed so far from their homes and families, in some cases thousands of miles, and that the provision of programmes and facilities does not take account of the needs of women, nor match those available for men. Even four years after its completion a major government commission found conditions at the Prison for Women

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[2]. The Federal Female Offender: Report on a Preliminary Study, (Shaw, 1991-3); Survey of Federally Sentenced Women (Shaw et al., 1991-4); The Release Study: Survey of Federally Sentenced Women in the Community (Shaw, 1991-5).

very inferior to those for men, and recommended closure and the transfer of all women back to their home provinces under provincial authority.

Since that time numerous reports have variously recommended the replacement of Prison for Women, its enhancement, or closure and the dispersal of federally sentenced women back to their home provinces. The 1970's saw the establishment of three government committees set up specifically to make recommendations on the future of the federal female population, but none was acted upon. In the absence of developments, legal challenges concerning the quality of provision for federally sentenced women under the Charter of Rights and Freedoms were set in motion at the beginning of the 1980's, and some amendments to programmes were implemented.

Recent Changes

One of the few attempts to reach an alternative solution was the development of Exchange of Service Agreements between the federal and provincial governments since the early 1970's. Under these agreements, responsibility for some federally sentenced women was transferred to the provinces, enabling those women to remain in provincial prisons closer to their families. At present approximately a third of the federal population are located in provincial prisons, but while they have closer contact with their families, they are without access to even the limited range of programmes and treatment facilities available for federal women at Kingston. This has, however, enabled the majority of French-speaking women to remain in Quebec.

A major component of the federally sentenced population (and of the provincial population) are aboriginal peoples, primarily native Indians. They represent 23% of the federally sentenced population in prison,[3] but only 2% of the population outside. The constraints placed on these women by being housed in Prison for Women are great. The majority come from the prairie provinces and are, therefore, effectively cut off from family visits and contact because of the prohibitive costs of transport. They must also cope in a prison system which until now has contained almost no aboriginal staff or support. Until very recently, the problems experienced by native women in a white society, and their need for specific services and programmes which recognize their cultural and spiritual backgrounds had been largely ignored in consideration of the federally sentenced population.

The past 15 years has also seen a change in the population of federally sentenced women with an accumulation of women serving very long sentences. This is largely a consequence of the effective increase in the length of life sentences following the abolition of the death penalty in Canada in 1976. Since that date women (and men) sentenced for first or second degree murder must serve a minimum 25 or 10 years before they can be considered for parole. Minimum sentences for certain drug offences have also helped to raise the average length of sentence.

Comparisons with Other Countries

Such changes in the use of imprisonment for women have parallels elsewhere. It is apparent that the use of imprisonment for women has been increasing in recent years in a number of countries, although it still forms a very small proportion of total prison populations. A number of countries have reported an increasing involvement with drugs, longer sentences and a high incidence of aboriginal or minority racial groups among female prison populations. It is clear, nevertheless, that the majority of female populations comprise minor offenders convicted of property offences. In the United States there has

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[3]. See Appendix II.

been a dramatic rise in the use of imprisonment for women, coupled with overcrowding and increasing problems of management. Elsewhere, countries such as Australia and England and Wales with whom Canada has more in common show less dramatic increases.

While comparisons are difficult to make with any accuracy, it would appear that Canada uses imprisonment for women at a much higher rate than England and Wales, for example, and particularly for short sentences. Similarly far more use is made of remands in custody. Both of these factors will tend to increase the flow of women into the federal system. This suggests that there is a lack of, or an unwillingness to use alternatives to imprisonment for women. It also points to the importance in Canada of looking at both the provincial and the federal populations.

In the last 15 years with the impact of the women's movement and the victims' movement, concern about the imprisonment of women has become much more focused. In particular, greater stress has been placed on the differences in the experiences and needs of men and women in (and out of) prison. The problems of addiction among women, the high levels of physical and sexual abuse, the increasing incidence of single mothers, coupled with the relatively low economic position of many women in society have all received much greater attention. Women in prison have few educational or work skills. In addition it has become clear that they tend to have a high level of health problems, and that there has been a general problem of over-medication.

All of these issues have raised questions about the adequacy of existing programmes for women. Recent concern with levels of physical and sexual abuse among women in particular has highlighted the inadequacy of treatment provision. They have also raised questions about their consequences for women's involvement with the justice system, and the necessity for using imprisonment at all for many women.

Limited Information

A major constraint in most countries, has been the relative neglect of programmes and facilities for imprisoned women. In part this has been a consequence of their small numbers, but it also stems from the tendency to assume that women's needs and interests are similar to those of imprisoned men. Provision for women has not been helped by the lack of information about female populations.

Such information is of importance in considering future provision for women which must take account of the extent to which offenders present a risk to society, as well as the kinds of needs they have. Much of the research on the prediction of risk has been based on male populations and is thought to be of questionable validity for women. Women appear to have been consistently overclassified in security terms. What limited information there is suggests that women tend to have lower rates of reconviction than men and for less serious offences.

Finally, our knowledge of the effects of imprisonment on women is not well documented. Studies of the behaviour of women in prison suggest that there are differences in the way men and women react to imprisonment, but also that the characteristics of the institution itself may have a significant effect on that reaction, and that punitive responses may increase the incidence of discipline and self-injury problems among women.

The Present Study

This fourth report on federally sentenced female offenders is concerned with exploring some of these questions in considering the links between the backgrounds of the population, their offending histories, and their experience of imprisonment.

The lack of comprehensive information about women in the penal system in Canada has been evident for some time.[4] While a considerable amount is known at the local level by those working with women, it can provide only a partial picture. In addition, while a number of people have considered aspects of the federal population at Prison for Women, there has been almost no information on the population serving their sentences in provincial prisons, and even less about those on conditional release in the community. Even with so small a population, details of their family commitments, the number and ages of any children, their educational or work histories, or such things as their need for treatment for addiction or abuse are unavailable.

One purpose of the research project of which the survey formed a part, therefore, was to provide a far more detailed picture of the total federal population in prison than is available on the basis of routine statistics or local knowledge. In part this is important in considering the kinds of treatment facilities and services needed, but perhaps more important is the need to consider the offending histories of the federal population in the context of their past experiences and backgrounds. Only then can we consider whether imprisonment as we know it really provides solutions other than containment. How far are federally sentenced women a risk to society, for example, and how far does incarceration help to promote 'rehabilitation' or hinder it?

The recommendations of the Task Force which include the closure of Prison for Women and the development of five regional centres and an aboriginal healing lodge, have now been accepted. Major changes in the management of the federal population are in the planning stages. Nevertheless, we still need to question the effects and necessity of imprisonment as a response to law-breaking, and how we treat people in whatever re-structured settings we create.

Limitations of the Study

While the Task Force provided the impetus for the study, it also placed limits on the scope of the project. Major constraints were imposed by the timetable of the Task Force. This meant that the scope for data collection was restricted by the need to report back within a very short period (see Appendix I for discussion of some of these problems). Secondly, it is only possible to touch briefly in this report on many of the issues raised, and a considerable amount of work remains to be done.

It must also be stressed that no attempt is made here to compare the female population with the much larger federal male population, since this was not possible in the context of the present study. In many respects it is important at this point to establish the characteristics of the female population. It is probable, nevertheless, that the findings have a number of implications for the treatment of men too.

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[4]. CAEFS for example, in their 1988 response to the Report of the Sentencing Commission argued : "Priority must be given to research on the conditions of women in prisons and penitentiaries....If we are ever to achieve the goal of proportionality - "that the punishment fit the crime" we need contextual information about not only the crime - but also the punishment...."

The Structure of the Report

The report is divided into a number of sections:

The first provides a fuller account of the offending histories of the population than was possible in the report to the Task Force.[5] It considers their offending patterns and the extent to which sentencing may have contributed to their return to prison, as well as the extent to which they pose a risk to society.

The second section considers other aspects of their backgrounds in terms of upbringing, addictions, physical and sexual abuse, and looks at the interrelationship between offending and background factors.

The third section explores some of the problematic issues relating to how women react to imprisonment and how they are treated inside, in terms of self injury and discipline. It considers the relationship between background and offending histories and behaviour in prison, and the contribution of the institution itself.

The final section considers the implications of these findings for the future treatment of women in prison and in the community, and discusses some of the ways in which future research and practice need to be approached, and how that might be accomplished.

SECTION I

THE OFFENDING HISTORIES OF FEDERALLY SENTENCED WOMEN

A. Previous involvement with the criminal justice system

Up to now it has been impossible to get a clear picture of the backgrounds and offending histories of the federal population. The only information available has been that collated on a routine basis by the Offender Information System of the Correctional Services. This provides basic information on such things as age, current offence, and sentence length, for women admitted to prison on a federal sentence. It also records whether or not they have ever received a previous federal sentence, but provides no information about how many women are first offenders, the kinds of previous offences for which they have been convicted, or how many have experience of provincial prisons.

Because of the split in jurisdiction between provincial and federal prison systems, and the lack of comprehensive court sentencing data, no composite picture of the offending histories of women (or men) exists. Yet an essential aspect of the criminal justice system is that it is a system, albeit a fragmented one. What happens to offenders in one part of the system affects what happens to them subsequently (how they first come to the notice of the police, for example, whether they are given bail

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[5]. See Section I of Survey of Federally Sentenced Women (1991-4) Shaw et al.

or remanded in custody, whether they receive legal advice, what they are charged with, what sentence they receive etc.).[6]

In order to understand why it is women end up serving a federal sentence, therefore, and how we might reduce the likelihood of that happening, we need to know what has happened to them in the past. How far, for example, could alternative sentences have been used rather than prison? Do we incarcerate women for offences which could have been dealt with in other ways, or by providing treatment at an earlier stage in their lives?

Such information can also help assess the extent to which women serving federal sentences represent a difficult or potentially dangerous group of offenders, or how far their offences are in fact largely minor, isolated or repetitive.

On the basis of information contained in prison files, it was possible to build up a more comprehensive picture of the offending backgrounds of the women. Such information presents many problems. It provides only an 'official' view of the lives of the women, based as it is upon reports and records compiled by those engaged in the processing of criminal justice, and provides a reconstruction of events which may be very different from that which the women themselves would give. It is considerably better than our existing knowledge about federally sentenced women, however.[7]

How serious are their offending histories?

Of the total population of women in prison at the time of the survey (203),[8] over a third (36%) were first offenders with no previous convictions. A similar proportion (37%) had between 1 and 6 prior convictions, and just over a quarter (27%) longer offending histories with 7 or more convictions (see Appendix II Table I).[9]

A long offending history does not necessarily indicate that the offences have been serious, however. On the whole, most previous convictions have been for offences of a fairly trivial nature. They include such charges as using a cancelled credit card, false pretences, minor theft or possession of stolen property or drugs, soliciting, 'immoral theatrical performance', public mischief, causing a disturbance, and vagrancy.

Some woman have been convicted for a string of relatively minor and non-violent offences such as fraud, forgery, theft or breaking and entering, and possession of stolen property. The great majority of convictions in fact are for property offences, particularly fraud.

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[6]. Some of these issues are explored in The Federal Female Offender: report on a preliminary study, Shaw (1991-3).

[7]. Some of these problems are discussed in Appendix I.

[8]. This figure is lower than that given by the Offender Information System since it excludes those on day parole, temporary absence or unlawfully at large.

[9]. All tables relating to this section are in Appendix II.

What does 'violence' mean?

Previous offenes which involve some form of violence such as assault or robbery, are much less common, and manslaughter or murder very rare. Among those with a previous history, around half (or 33% of the entire sample) have at least one prior conviction for an offence involving some violence (Table II). In the great majority of cases, however, this amounts to one, or at the most, two convictions for assault or robbery, not a regular occurrence. Only around 9% of the population had more than two prior convictions for violence.

In the absence of court transcripts or detailed information about individual events, it is very difficult to judge in looking at past offences just how serious such offences were. Charges of assault or robbery may range, in theory, from minor disturbances to planned, aggressive attacks using weapons. There is also no way of assessing the effects of the violence upon the victims themselves.
Some information as to the extent of violence involved can be gauged from accounts of robberies for which women were currently serving sentences (but for which they have received a federal sentence). They included handing over notes threatening violence or pretending to have a gun, waiting in a car while someone else attempted to rob a store, fighting a client over payment for prostitution, holding a fire-iron while two friends demanded money from the victim, taking an active part in a bank robbery. Very few women had been convicted of the most serious charge of armed robbery at any time. In one case this involved a woman and her co-accused threatening a motel clerk with a knife for money.

Similarly, in relation to assault, while the type of assault charge (e.g., common assault or causing bodily harm) gives a clue to its perceived seriousness, no further information is usually available such as whether it was provoked or unprovoked, or how serious were the injuries which resulted.

In most cases, previous charges of assault or robbery had not been seen to be serious enough to warrant a federal sentence. The case of one women for whom some information was available is probably fairly typical of the kind of behaviour involved. She had 15 previous convictions including one for common assault, one for assault (Sec 245) and one for robbery. Two of these offences involved hitting the victim over the head while attempting to snatch their bag. She had received 30 days, 8 months and 15 days respectively for these offences. Such information does not discount the injuries or shock which the victim may have experienced, but it does illustrate the kind of behaviour involved.

Given these problems and because of the emotive nature of the word itself, any assessment of previous history which tries to take account of violent offences is likely to inflate the actual seriousness of those events. In an attempt to take account of the extent of violent offending and to summarize the offending histories of the population as a whole, they were grouped on the basis of their histories (Table III). Threequarters of the women (74%) have either no prior convictions, or histories of minor offending, and 26% offending histories which include some convictions involving violence such as robbery, assault, and (in 5 cases) manslaughter or murder.

Overall, it is probable that the extent of aggressive, violent behaviour among the federal female population is far below that of the male population.[10] The great majority of previous offending among the women has involved property offences, and the range of offences associated with fraudulently obtaining money and goods.

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[10]. A comparative study of the extent of violent offenses, and the seriousness of those offenses by men and women would be needed to demonstrate what those differences are.

Age of first offending

The age at which people first come into conflict with the law has long been associated with their chances of avoiding future conflict. On the whole the younger a person is when first convicted the more likely they are to be convicted subsequently.

Overall, a minority of the population (41%) had begun offending in their teens. Here there is a major difference between those with previous convictions, and first offenders, who were considerably older. Only 7% of first offenders were under 21 at the time of their (first) offence, compared with 59% of those with previous convictions, and 41% were 36 or over, compared with 8% (Table IV).

In addition, at least 17 women were known to have been in trouble for offending below the age of 16. It is probable that a higher number were first in trouble below that age, but since juvenile offences are not recorded it is not possible to give an accurate picture. Those recorded here include cases where specific mention of juvenile offences was made in the dossier.

The absence of much fuller information about experiences as juveniles is serious for our understanding of the development of offending histories among women. We need far more information about how women come into conflict with the law, as well as their experiences of institutional settings. Many of these women may have been sent to reformatories or detention centres for status offences such as being in need of care or protection, or running away from home, rather than breaches of the criminal law or provincial offences.[11] Those processing and learning experiences may have had a considerable effect on their subsequent lives. In addition, having a juvenile 'history' tends to colour other people's expectations of how those women will behave.

Sentencing history

The fact that the majority of women are serving their first federal sentence also supports the contention that previous offending histories have not on the whole been serious. Overall, 87% of the population had never been federally sentenced before (Table V)[12], 15% had only a prior non-custodial sentence such as a fine a discharge or probation, just over a third (36%) has served a previous provincial sentence, and 13% a federal sentence.[13] The distribution of the population in terms of their previous sentencing history is shown in the diagram below.

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[11]. See, for example, Langelier-Biron (1983) and Geller (1987) for discussion of the differential treatment of girls.

[12]. Compared with around 60% of federally sentenced men.

[13]. Twenty one (10%) women had served both prior provincial and federal sentences. See Tables V-VII for numbers of previous incarcerations.

DIAGRAM I

Most serious previous sentence (total population				
	36%	15%	36%	13%
	No prior convictions	Non-Custodial Sentence only	Previous Provincial Prison	Previous Federal Sentence
Number of cases:	73	30	74	26
Total number = 203				

Those women who had received a prior federal sentence included women who had committed an offence which in itself was felt to be serious enough to warrant a federal term, as well as those whose repetitive offending had led to longer and longer terms. Some of these women in fact had ended up as federally sentenced women almost by default, having accumulated a number of short terms for minor charges which added up to 2 years or more.

The repetitive nature of the offending of the small group of women with long offending histories is matched by their regular return to provincial prisons. Around 17% of the population have spent at least five terms in provincial prisons without the option of a fine. One women had served as many as 16 provincial sentences without option.

In addition, most of these women had been fined on a number of occasions with an alternative of prison in default of payment. In such cases it is impossible to know whether they went to prison or the fines were in fact paid. While the amount of time involved usually only amounts to a few days, the legitimacy of using prison in this way must be questioned.

Three cases illustrate the common pattern of sentencing for women with long histories. One woman has accumulated around 17 previous convictions over a period of 14 years. Almost all follow a similar pattern:

- Her first offence involved three charges of false pretences, uttering forged documents and forgery for which she was sentenced to imprisonment for a total of 30 days.
- A week later she was given 18 months probation for 'personation'.
- Two months later she was given a 9 month sentence for 7 charges including uttering forged documents, forgery, possession of instruments of forgery, false pretences, and breach of probation.
- Four months later she again received 3 months for 'fraudulently obtaining lodging'.
- Three months after that she received 2 years less a day for 10 charges - false pretences, unlawfully at large, uttering forged documents, theft under and theft over $200, prison breach, and failure to appear.

Twelve further prison sentences follow, all for similar types of offences. She was sentenced to a second period of probation, in combination with a prison term, ten years after her first offence.

The second woman also had 17 previous convictions over a period of 8 years.

- Her first offence resulted in 10 months imprisonment for robbery.
- Three months later she received 6 months for 5 charges of theft, forgery, possession of stolen property over $200, personation and false pretences.
- Fifteen months later she was charged with possession of stolen property under $200 and received 1 month's imprisonment.
- A week later she was sentenced to a further two months for theft under $200 and failure to appear.
- A month later she was sentenced to 30 more days for theft over $200.

She likewise has twelve further convictions prior to her current offence, all of them resulting in imprisonment. Not once during those nine years has she received a term of probation or any other sentence which might try to deal with her repetitive offending. The initial offence is the only one which has involved any violence.

A third woman (see p. 8 above) had a total of 15 previous convictions over a 6 year period. Apart from an absolute discharge for her first offence of theft under $200, she had been sentenced to prison for 13 of the remaining 14 convictions. Five years after her first offence she was given a suspended sentence with 2 years probation. Her offences usually involve some combination of fraud, possession of narcotics, soliciting, theft, or breaking and entry. As outlined above her three convictions for assault or robbery had resulted in sentences of 30 days, 8 months and 15 days.

The use of alternative sentences

On the basis of the information available on offending histories, there does not appear to have been much use of alternatives to imprisonment. Over a quarter of the population appear to have gone straight to prison for their first offence on fairly minor charges relating to property or prostitution, and in two cases for mischief and vagrancy.[14] In other cases, a quarter were fined with the alternative of imprisonment, and a quarter given a suspended sentence, usually with probation. Only one woman had been given a sentence specifying community service on her first conviction. References to payment of compensation or restitution or community service, at later stages of an offending history were very rare.

The use of fines with an alternative of imprisonment for women, most of whom are unlikely to have regular work or other than minimal sources of income, seems pointless. In addition, most of the offending in question had involved a shortage of money in the first place.

Either at the first offence, or subsequently, little use appears to have been made of sentences such as probation, or those which might be regarded as alternatives to imprisonment. Community service, day-training centres, alcohol and drug rehabilitation centres could have been more appropriate for many of these women. Had such alternatives been available, and been used as such,[15] it is probable that fewer women would have ended up in the provincial or federal prison systems.

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[14]. It is possible that previous involvement in the criminal justice system was also known to the court. The records only show convictions from the first 'fingerprintable' (indictable or hybrid) offence.

[15]. ie. not used for people who would not have been sent to prison in the first place.

The imposition of a prison sentence, therefore, is not necessarily a guide to the seriousness of offences. Much depends on the willingness of the courts to try alternative sentences as well as on the availability of alternatives to imprisonment or negative sentences such as fines.[16] In the case of women, there are fewer alternatives available across the provinces than for men. The futility of imposing so many short-term sentences which punish and control but do little to confront the reasons for offending is evident.

Summary

In conclusion, it would appear that on the basis of past history, the federal female population does not constitute a violent and aggressive group of women. Threequarters of the population have either no prior history or one including largely minor and trivial offences. Only around a quarter of the population (26%) have long offending histories including more serious offences involving violence, but only 13% have previously committed offences judged serious enough - or repetitive enough - to warrant a federal sentence.

Secondly, there would appear to be considerable scope for developing alternative sentencing strategies which attempt to divert women from the penal system and to deal with the some of the problems that contribute to their offending. Information about the availability and use of existing alternatives across the provinces would also be of considerable value at this stage.

Finally, very little information about the early experiences of institutional placement or juvenile offending is available. Such information is important in trying to understand the processes of the development of offending histories among the women and their reactions to imprisonment, as well as in the development of preventive programmes.

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[16]. See for example Carole LaPrairie's conclusion (1990) that the over-representation of aboriginal offenders in the criminal justice system is partly a result of the lack of sentencing alternatives.

B. Current Offence

How serious are current offences?

What has placed the majority of the population on a federal sentence has been an act of violence, and this factor has to be confronted. Forty two percent of the population were currently serving a sentence for murder, attempted murder or manslaughter, and 27% for robbery, or assaults (Table VIII).[17]

In comparison with the male federal population, this appears to suggest that on the basis of their current sentences federal women are dangerous and violent, and more so than men. A number of factors indicate, however, that this is not so. Some 20% of the federal male population are serving sentences for murder or manslaughter, for example, but this amounts to some 2,600 men compared with only 85 women in the survey population.

Secondly, in the case of murder, and most instances of manslaughter, the courts have no choice but to impose a federal term. The high proportion of such cases in the female population may reflect the fact that few other offences committed by women are seen to merit a federal sentence (or that the courts in general are more lenient on women than men). A much higher proportion of the male population are sentenced for violent offences other than murder or manslaughter, particularly robbery, and sexual assault (41%).[18]

Women are also more likely than men to receive the lower charge of manslaughter, rather than murder. This suggests that the courts take account, to some extent, of the circumstances of the offence and the extent to which the victim may have provoked the attack.[19]

In terms of their previous sentencing history it is clear too that those sentenced for murder or manslaughter include a higher proportion of first offenders than the population as a whole. Forty percent were first offenders, but a further 24% had never previously received a prison sentence (see Diagram II below). This was not an event which was preceded by a history of violent or serious offending.

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[17]. See also Section I on the profile of the population in Survey of Federally Sentenced Women (1991-4). The figure for murder/manslaughter offenses is higher than that given in the Offender Information System Population Profile Reports. The June 1989 report, for example, shows that 36% (104) of all women were admitted for murder or manslaughter. The discrepancy probably arises from the fact that the Profile data includes some 80 women out on day parole or unlawfully absent. Because of their longer sentences there is likely to be an accumulation of women serving sentences for murder or manslaughter in prison rather than on conditional release.

[18]. Offender Population Profile Report June 1988 Correctional Services Canada.

[19]. Around 47% of women charged with murder/manslaughter receive a sentence of manslaughter rather than murder or attempted murder, compared with 25% of men similarly charged. It is worth noting Hilary Allen's (1987) suggestion, nevertheless, that the legal and the medical profession in England and Wales systematically treat men and women differently, resulting in unequal sentencing.

DIAGRAM II

Most serious previous sentence: murder and manslaughter cases				
	40%	24%	28%	7%
	No prior convictions	Non-custodial sentence only	Previous provincial prison	Previous Federal sentence
Number of cases:	35	20	24	6
Total number = 85				

The victim-offender relationship

On the basis of file data it is often difficult to get a clear picture of events defined as murder or manslaughter, and certainly of the women's version of what happened and why. Such accounts usually present the events as seen by the court and are in any case reconstructions of what took place. Little information is available in a number of cases, and the most that can be done is to note the apparent factors mentioned.

In one third of the cases, an associate took part in the incident, or was the one who actually killed the victim. Almost all the victims who were killed were known to the women. In 38% of the cases the victim was a husband, common-law partner or relative; 49% were close friends or acquaintances, 5% (4) strangers.

In a third of these cases there was clear and compelling evidence that the victim had provoked the attack, either immediately, or incrementally over a number of years.[20] These included cases of abuse where women had killed their husband or partner after many years of physical and sometimes sexual abuse; and of clients, friends or acquaintances making sexual advances (19). Others had killed in self-defence or during arguments and fights. Often this was over relationships, and in many cases following drinking or drug use by those involved(31).

A small group of women (12) had been involved in the killing of clients or acquaintances for money or drugs and 4 in the course of a robbery. Finally, 11 had been convicted for killing a child.

It is perhaps unwise to imply motivation or to search for direct 'explanations' of these events, and particularly in the absence of a more rounded account which includes the perceptions of the woman herself too. There are, however, a number of clearly evident factors including physical and sexual abuse, misuse of drugs or alcohol and poverty, which link the great majority of them.

Many cases display the now well-recognized patterns of jealous husbands or partners involved in family violence. Thus one woman had been beaten over a period of 12 years by her common-law partner whenever he drank or took drugs.

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[20]. For another third there was insufficient information to conclude whether or not they had been provoked, and for the remaining third no evidence that they had been.

"He kept me in the house 365 days a year. Nobody was allowed in. He often threatened me if I challenged him.....even the children suffered the same treatment."

Another had been hit and beaten about by two men with whom she had long-term relationships. Each event followed heavy drinking by the man, and on one occasion resulted in broken ribs and a cracked skull which the man in question tried to pass off as the result of a fall. In at least two other cases women had killed their husbands after some 20 years of physical and sexual abuse. Another man had been constantly harassing his wife and children following legal separation from an abusive relationship. Such women were clearly living in situations of great risk. The chances that they themselves might have been killed were very high.[21]

The impact of alcohol and drugs

The part played by alcohol and drugs in offences involving violence is central. Fights and arguments, whether about relationships, money, drugs or any other issue arise too easily when people have been drinking or taking drugs. In a number of instances, women had been drinking with a group of friends or acquaintances for long periods when arguments erupted. Many say they do not remember the events themselves, they blacked out, and in a number of cases their precise involvement in the victim's death or injury is unclear. In other cases women had been on prescription drugs for long periods.

The impact of addiction is illustrated by the case of one 20 year-old woman serving her first sentence. She had an alcohol problem for five years, and used heroin, mescaline and other injectable drugs extensively. At the time of her arrest she was unemployed, and under the influence of alcohol or drugs. She stole groceries and rye from a supermarket and when stopped fought with the security guard. She was charged with robbery and assault and with using a stolen credit card to buy clothing.

Another woman in her mid-twenties has used drugs such as cocaine, Talwin and Ritalin for the past 7 years and also has a lengthy history of alcohol abuse. She tends to become violent when she is under their influence. She was charged with robbery and assault, for stabbing the victim and taking $40 from him after they had been drinking together.

Apart from offences involving violence, most of the women charged for repetitive theft and fraud offences were supporting drug habits. The drug trade has also had a major impact on the lives of those sentenced for importing or trafficking, including a number of women from other countries.

The situation of women convicted for trafficking receives little attention, partly because their numbers are small and partly because those who are non-Canadians have little support from or contact with the community.[22] A number of them have difficulties with language, and their contact with their families is to say the least tenuous. They received much longer and 'deterrent' sentences than all other offenders (apart from those with a life sentence). In almost all cases they acted as couriers, while the organizers for whom such sentences are primarily intended were not located. As with some of the women sentenced for more serious fraud charges, they had hoped to find a way out of their financial difficulties. Whether or not they were aware of what they were doing, such women find themselves

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[21]. American survey data on family violence suggests that as many wives hit husbands as husbands hit wives, but that the degree of physical injury which women suffer is far greater (Frieze and Browne, 1989). It is also likely that women are responding to violence initiated by their husbands.

[22]. In England and Wales this has become a major problem with some 160 women from countries such as Nigeria, Columbia and Jamaica currently serving deterrent sentences for acting as couriers.

with sentences up to 12 years for agreeing to carry packages through customs. They have usually never been in contact with the law before.

Assessing risk

It is a common fallacy to assume that long sentences imply dangerous offenders who are a risk to society. Some 30% of the population were serving sentences of 10 years or more (see Appendix II). They include 46 women serving life sentences with a minimum of between 10 and 25 years before parole eligibility. On the whole, as has been argued above, such women pose the least risk on release. The majority have been sentenced for murder, or for trafficking or importing drugs. The likelihood that the great majority of them would become involved in subsequent violence or offending is remote. As discussion in an earlier report suggested,[23] women tend to have a lower likelihood of reconviction than men and, if reconvicted, to be charged with less serious offences. In addition, the chances of not being reconvicted on release for both men and women are higher among those convicted of murder, drug-offences and manslaughter than for other offences.

It is in fact women serving relatively short sentences for breaking and entering, robbery, and non-violent offences such as theft and fraud, usually associated with drugs, who are most likely to reoffend. Again among these women there are clear indications of links between substance abuse, poverty, childhood experiences, and their repetitive offending behaviour which need to be confronted.

Such women are also likely to have broken their parole conditions in the past. Around a third of those with previous offences have had their parole revoked at some stage for failing to fulfil conditions, such as abstaining from drinking or drug-taking, or for failing to return after a temporary absence, or while on day parole. In some cases they had committed further offences. And just over a quarter of the population (58 women) had currently been returned to prison for breaches of parole conditions. Most of them had been serving sentences for robbery, assault or property offences.[24]

Summary

Two fifths of the population are currently serving a sentence for murder or manslaughter. Two thirds of these women are first offenders, or have no previous prison experience, and they tend to be older than those with previous histories. Overall, they do not represent a group of offenders with long and violent histories. In all but 4 cases they were involved in the death of a relative, close friend or acquaintance. There is clear evidence that the victim provoked the attack in a third of the cases. Just under half of these women were charged with manslaughter rather than murder, suggesting that the courts took the circumstances of the offence, and their histories into account in some cases.

Just over a quarter of the population were serving shorter sentences for robbery or assaults, and 31% for non-violent offences. The evidence of the involvement of alcohol and drugs in most of the offences is high, and involves both violent and non-violent offences. It is also closely implicated in much repetitive offending.

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[23]. See The Federal Female offender: report on a preliminary study June 1991-3.

[24]. Twenty seven of them had their parole revoked for technical reasons and 31 for a new offence (7% of the population) 17 of them for a non-violent offence, and 14 for committing an offence involving violence.

Overall, the majority of women serving longer sentences have been sentenced for murder, drug trafficking or manslaughter, and are less likely to be reconvicted on release from prison than those serving shorter sentences for property offences or robbery. Reconviction rates for women are generally considerably lower than those for men.

SECTION II

LIFE EXPERIENCES

The links with the past

Apart from their involvement with the criminal justice system, what other factors are evident in the lives of the women prior to their sentence? Interviews with the women have already shown the extent to which alcohol and drug abuse, low economic status and job skills, and physical and sexual abuse are part of their experiences.[25]

Around 70% of the population interviewed said that alcohol or drug use was involved in their offending in some way, either because they committed offences to support their habit, or because they offended while under their influence. Overall, on the basis of file information threequarters of the population were recorded as having a history of drug or alcohol abuse (Table IX in Appendix II) although such information does not mean they all need or want treatment. Not all women are necessarily addicted. Some may be heavy users but do not regard themselves as addicted, some may have ceased drug or alcohol use.

Two thirds of the women interviewed said they had never had steady employment, and were either unemployed most of the time, had never worked, or worked illegally. Only about a quarter had any technical or skilled job training or education beyond basic education. Many of the rest had not completed their basic education. The overall picture based on file information is shown in Table X.

Two thirds of those interviewed said they had experienced physical abuse at some time of their lives, and over half of them sexual abuse. Much of this abuse took place in early childhood and adolescence. The need for women to have access to female counsellors specializing in abuse was emphasised in the report of the prison survey.

Early family life

In addition to these factors, there were indications from the case records of a high level of disruption in the early family lives of many of the women. As with all other information taken from this source, absence of information cannot be taken to imply that no problems existed. Nevertheless, in over half the cases (57%) there was mention of disruption in terms of death of parents at an early age, being placed in foster care, constant changes of foster home, residential placement, parental illness and alcoholism, and abuse (Table XI).

For 39% of the population this disruption was major, extensive and often prolonged. One woman for example had lived in 47 foster homes by the age of 14, another had been in the care of the Children's Aid Society since birth, experienced many foster homes and physical and sexual abuse; another had

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[25]. See Chapters 7, 8 and 9 of the Survey of Federally Sentenced Women (1991-4) for responses to these issues, and discussion of the programme needs identified by the women in these and other areas.

been adopted at 2 years, her mother was diagnosed schizophrenic, she had been sexually abused as a child and had herself been under psychiatric care. A number of native women had been fostered at an early age to a string of non-native foster homes. For a number of women this pattern is being repeated with their own children.

Another woman had spent her childhood moving from relative to relative. She was raised by her grandmother until she was 1 1/2, by an uncle until she was 3, until 7 by godparents, until 8 by her mother and step-father. From then until she was 15 she lived variously with her mother, or grandmother or aunt. She was both physically and sexually abused in some of these situations. At 15 she left home and was made a ward of court and placed in foster care until she was 16.

The catalogue of such severe disruption in childhood and early adolescence is extensive. It is followed in many cases by running away from home, living on the streets, prostitution and early addiction to alcohol and drugs, as well as further physical and sexual abuse from boyfriends or partners, acquaintances, or clients, by suicide attempts and slashing, and in some cases psychiatric intervention. The implications of these experiences both for how their lives develop, as well as how we react to their behaviour in the courts and in prison are profound. One important factor is the link between family violence and offending.

Family violence and offending

Considerable confusion exists over the problem of violence in the family and its implications, in part because the issues have been considered by disparate groups of people.[28] Evidence of the extent of family violence, as well as the links between abuse and death of partners in domestic disputes deal with only one aspect of the issue. Also of concern are the links between family violence and the subsequent behaviour by those affected. This includes both violent behaviour and offending.

There is now increasing evidence that victims of assault (whether male or female) are likely to become assaultive themselves. Thus surveys of family violence in the United States have found that children who were assaulted by their parents are more likely than others to be verbally and physically violent towards family members and those outside the family (Hotaling & Straus, 1989). It is suggested that experiencing assault at home trains them in the use of violent behaviour. Similarly, women who are assaulted by their partners are more likely to use violence against others. One explanation for the links between being victimized and offending is that victims of violence tend to loose faith in the fairness of the world and themselves become assaultive (Straus, 1985). Others suggest that some victims become withdrawn rather than violent.

In assessing the experiences of the women in the population, the high level of family disruption and abuse suggests that many of them have themselves been victims from an early age. Such experiences do not remove all responsibility for their actions, but they do help to explain the severe difficulties which many of these women have in their daily lives. They suggest too that their behaviour is in some senses rational. They also indicate that while we may focus on their illegal actions, it is going to take a good deal more than a period of punishment to try to help them develop alternative ways of living, and alternative skills in order to survive. Punishment, often in the form of violence in some form or another, has been a feature of their lives from an early age.

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[28]. See for example the discussion by Ohlin and Tonry (1989) on the separate development of research on domestic violence and criminal violence.

The interrelationship of background and offending

What seems evident is that many of the women face an overlapping series of difficulties in their lives, a disruptive upbringing tends to lead to dropping out of school and the failure to develop job skills, coupled with substance abuse, and violence and mistreatment from many sources. This is borne out in examining the interrelationship between background factors in the lives of the women. Having a history of alcohol or drug abuse was related to both a disruptive early family life, and a history of physical abuse (see Appendix III for a discussion of the analysis).

When the interrelationship between background factors and offending history is examined, substance abuse becomes the most powerful factor. Thus in looking at the offending histories of the women (in terms of the length of their offending history) the most significant factors are having a history of alcohol or drug abuse and being native. This underlines, as many other factors indicate, that native women are much more likely to have an offending history than non-native women.[27]

Substance abuse is also the factor most closely related to having previous convictions for offences involving violence, and with having a previous history of incarceration.

Non-coercive responses

Identifying the extent of factors such as alcoholism or abuse is important, but the challenge lies not in channelling everyone identified as 'having a problem' into treatment, but in providing programmes and treatment facilities in a non-coercive way. Much of the discussion with women in the survey focused around this issue of being made to take programmes or treatment, as well as being denied treatment they felt to be important to them. The high level of involvement with substance abuse identified in the survey indicates the need not to force treatment, but to develop creative programmes in the community as well as in institutions and to take account of the women's own view of their situation, including acknowledging that they may no longer have a problem.

Responsibility and culpability

There is a danger in discussing the circumstances surrounding an offence, or the life experiences of those involved, that such factors may be seen as in some way excusing that behaviour and removing any responsibility for offending. In a study of how women charged with serious violent offences were dealt with, for example, it was found that court reports systematically portrayed the women as 'not knowing what they were doing' and explained away their behaviour as uncharacteristic or irrational acts resulting from the pressures of their lives (Allen, 1987). In her terms they have been 'rendered harmless'.

To outline the kinds of factors surrounding the offending of the women in this study does not mean that they are just victims of circumstances with no will of their own. Nor does it remove all responsibility for their actions. But it does point to a very real need to think about the way we apportion blame and expect people to pay for offending, and how they should accept that responsibility. It also points to the need to deal with those underlying experiences.

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[27]. The over-representation of native women in the federal and provincial prison populations is itself an indication that they are far more likely to be imprisoned than non-natives. This it has been suggested is in part a result of the lack of sentencing alternatives (LaPrairie, 1990) as well as discrimination and neglect (Sugar and Fox, 1990).

Summary

Seeking 'explanations' for the offending histories of the women in the population is important. We need to understand how it is that they have ended up as federally sentenced women. It has implications for the future development of programmes for women in conflict with the law, as well as how we deal with them when they do end up in the prison system. It also provides some insight into what needs to be done to help them reintegrate in the community. We also need to understand the repetitive nature of the offending of some women, and their long histories of involvement with the criminal justice system.

Given that a high proportion of federally sentenced women are currently serving sentences for violence, we also need to place this behaviour in some kind of context. For over a third of the population this is their first offence, and a disturbed upbringing, abuse, and substance abuse or unemployment have not always been the pattern of their lives. Nor in many instances are they likely to be convicted subsequently. For some of these women too, however, such experiences, are common.

Overall, 57% of the population have a history of disruption in their early childhood and adolescence; two thirds say they have experienced physical abuse, and over half of them sexual abuse at some time in their lives; threequarters have a history of alcohol or drug misuse and two-thirds have never had steady employment or been employed legitimately. Current research on family violence suggests that people who grow up in abusive relationships are more likely than others to become involved in offending and in some cases to use violence themselves. This would appear to be borne out by the lives of many of the women here.

Many of the problems faced by the women are overlapping - those who had a disruptive upbringing tend to have a history of physical and sexual abuse and substance abuse, and to have dropped out of the education system and job market at an early age. An examination of the relationship between aspects of their backgrounds and offending histories underlines this. Early family disruption and physical abuse are strongly related to substance abuse, which in turn is the major factor together with being of native origin 'explaining' the length of offending history. Substance abuse is also the major factor related to the use of prison rather than alternative sentences, and with having a history of violent offences.

While a high level of factors such as substance abuse or physical abuse are identified, it is essential, as the women interviewed stressed, to take account of their views on their need for treatment. The challenge lies in creating programmes which are non-coercive and not forced upon them. Awareness of the circumstances surrounding offending does not imply that women are not responsible for their actions, but it does require us to reconsider how we expect people to deal with that responsibility.

The links between life experiences and offending are also important in explaining how people react to being in prison, and two aspects of prison behaviour are examined in the following section.

SECTION III

BEHAVIOUR IN PRISON - THE EXPERIENCE OF IMPRISONMENT

Two aspects of the experience of imprisonment and their links with past experiences need to be considered because they have a major impact upon the women themselves and upon other inmates and staff. Their implications for how we treat women in prison are of immense importance. These are self-injury and suicides, and breaches of discipline.

A. Self Injury

A study of self-injury among adolescent girls in an institution undertaken some twelve years ago, reported the remarkable fact that 86% of the population injured themselves, and for the first time, in that institution (Ross et al., 1978).

This fact alone should give sufficient cause to consider the effects which imprisonment itself has upon the behaviour of those inside. It is a common image of women in institutions, whether psychiatric hospitals or prisons, that they are more likely to injure themselves in some way than are men in similar settings. It is also an accepted view that they are less likely to become involved in violence against others in such settings than are men.

The extent to which these commonly held views are valid cannot be tested here, and while few people have attempted to do so, there is ample evidence that self-injury is not restricted to women (Jackson (1983), Jones (1989), Ross et al. (1978)). What is important, however, is the fact that the incidence of self-injury and suicide is far higher than it should be within the federal female population, and an indication of serious and continuing unhappiness and suffering.

Explanations

Explanations of the causes and significance of such behaviour have been legion. It seems to be a form of behaviour which invites speculation. Traditionally, stereotyped explanations of the sexual nature of female offending have tended to dominate the field. As Ross and his colleagues note in the extraordinary list of explanations they document (1978):

> "Prominent, of course, have been explanations of this behaviour in terms of its presumed sexual significance: as a means of suppressing unacceptable fantasies; attempts to destroy one's body to rid oneself of unacceptable sexual fantasies....."
>
> "....it is often seen as an exclusively or predominantly female activity and has been related to menstrual problems and to 'female masochism'".

Elsewhere it is seen as 'manipulative' 'attention-seeking' behaviour to get attention or therapy.

Apart from these behavioural approaches which usually seek explanations in terms of individual pathology, others have sought to explain self injury in terms of an adaptive or learning process. Thus adolescent girls are seen as injuring themselves in order to be accepted by the group. As Ross and his colleagues argue neither explanation is sufficient, and most studies use too narrow a theoretical focus and rely on small and biased clinical samples.

None of this work - since it largely pre-dates the development of interest in family violence - considers the experiences of girls and women as victims of abuse, whether physical or sexual. References are made to psychiatric states such as 'depressive', 'neurotic', 'psychotic' or 'psychopathic', or feelings of self-punishment or guilt. A recent report by Heney (1990), however, based on interviews at P4W does suggest a link between experience of sexual abuse and self-injury.[28]

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[28]. Jan Heney's interviews were carried out in the autumn of 1989, and followed those carried out for the Survey. Some of the women will have completed both interviews.

Prevention

Depending upon the theoretical background of the writer, preventive measures have ranged from recommending the removal of razor blades, punishment, segregation and observation, through various therapies and increased recreation, to the use of peer group support and counselling.

Peer-group counselling and support have been recommended and used in the recent past among adolescents in both Canada the United States and Britain.[29] This may reflect the common notion that adolescents, unlike adults, are still 'treatable'. It may also be because outbreaks of self-injury tend to occur more dramatically in adolescent institutions, and can be less routinely dealt with.

It comes as no surprise, given the security/punishment emphasis of adult institutions that the main response to self-injury in Canada, as elsewhere, has tended to be segregation, often accompanied by some form of punishment. Peer-group counselling and support has only recently been suggested - and is currently being implemented -as a method to be used with adult women in P4W (Heney, 1990).

Self-injury among the federal population

It seems unlikely, in the context of P4W, that self-injury is carried out to gain any kind of group acceptance. As those interviewed indicate, it represents much more a response to situations beyond their control, to feelings of loneliness and depression, or reactions to events within the prison.[30]

The women were asked if they had ever hurt themselves (e.g., by cutting or slashing) or attempting suicide.[31] Overall, 95 women (56%) said they had injured themselves or attempted suicide at some point in their lives, and 74 (44%) had never attempted either (Table XII in Appendix II). Some 20% had done so during the current sentence. Women in P4W were slightly more likely to have done so than those in the provinces. They were also more likely to have slashed themselves rather than attempted suicide.[32] In some cases such events had occurred once or twice around the ages of 12 to 16, in others they were frequent. One described having slashed herself "quite often - about 25 times" because of "mental abuse".

As with physical and sexual abuse, it is likely that some women were unwilling to talk about self injury and that these figures underestimate its extent.

For many of the women themselves, given the pattern of events in their lives, their explanation of the pattern of events leading to slashing are very rational and understandable. One woman who had slashed herself during the current sentence said she had been depressed, and had asked to see the psychiatrist. She was told to put in a request, but had found this a useless response since she had:

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[29]. See for example Ross et al., (1978); Jones (1986), and Cullen (1981).

[30]. Cf. evidence given by Dr. George Scott concerning self-injury among federal men that the reasons usually involved "frustration, aggravation, resentment, and hostility. Usually there are very frustrating circumstances that individuals can't handle. In other words, he has got no solution. He can't act out so he acts in." Quoted in Jackson (1983) p. 80.

[31]. Self-injury and suicide attempts are often seen as rather separate kinds of behaviour, although some studies have assumed them to be the same (eg. Cookson, 1977).

[32]. Jan Heney found that 59% of the 44 women she interviewed said they had injured themselves by slashing (and in a few cases head banging) at some time. She excluded suicide attempts.

"....needed to talk now. I thought they would pay attention. I needed to talk to someone, but no-one was around."

Another woman explained that she had begun to slash herself after she had a series of crises:

"J'ai commencé à faire des crises...eux autres disaient que c'était des crises de folie. Pour moi c'était des crises de souffrance."

Others described being confused, depressed and frustrated or angry over events in their lives, the death of a child or husband, physical abuse, and events in prison. A number of women described slashing or attempting suicide in prison after friends had been placed in segregation, or they had been charged for some breach of the rules (e.g., working in her cell at 2:00 am).

Asked what might have prevented them injuring themselves or attempting suicide, almost everyone said someone to talk to about the stress and unhappiness they were experiencing, "someone who cared", "being understood and listened to".

Explanations that such behaviour is 'manipulative' in many cases, or attention seeking are, as many of the women themselves say, technically correct. But such explanations are also often used to dismiss and classify. Many of these women have experienced or are experiencing severely disruptive and difficult lives. Being in prison creates even greater stresses and tensions. And it removes any control over events in one's life. They have every reason to seek help and attention, and to receive it.

Links with past experiences

Among these women there is a very clear relationship between their past experiences and how they have reacted in prison. There would appear to be a relationship between a history of sexual abuse in childhood or adolescence and self injury, and with having experienced major family disruption in childhood. In the latter case, 70% of those whose childhood had been marked by severe disruption (the death of parents, constant changes of foster homes, severe illness or alcoholism in the family, etc.) had injured themselves at some stage, compared with only a third of those where no problems were mentioned.

When the interrelationship between a number of aspects of their life experiences and their offending history was considered in relation to self injury, the most important factors were having a disruptive family history, having experienced physical abuse, and having been previously imprisoned, as well as age (younger women were more likely to have injured themselves at some stage than older women). (See Appendix III).

While it cannot be clearly shown here that much self injury would not have taken place if the women had not been in a punitive environment, there seems considerable grounds for arguing that much of it is situational and could be avoided.[33] Not all those who had slashed themselves in prison have experienced disruption and abuse in their lives. Some women, who described it as 'letting' found it a way of relieving the build-up of stress and tension from being in prison.

The contribution of the institution itself to this behaviour must be recognized. And given that those women who are most likely to have injured themselves are also those most likely to have experienced

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[33]. Cf. Dr Scott 's evidence which showed that slashing incidents increased dramatically when men were placed in solitary confinement (Jackson, 1983) p.80.

abuse and disruption in their lives, and to have considerable experience of incarceration, using isolation or segregation to deal with such behaviour is a wholly inadequate response.

B. Discipline in prison

It is often assumed that how people behave inside prison is a reflection of their likely behaviour on release. Decisions about release and parole while not based primarily on behaviour inside, are influenced by factors such as disciplinary breaches and charges. Certainly, having been charged with discipline offences is likely to delay preparations for release, and may make parole redundant if eligibility dates are long since passed.[34]

For the institution, maintaining good discipline is seen as a primary function ensuring the safety of the population and staff. Those who are sentenced to prison are expected to obey the rules of the institution. Inevitably, this places them in a position of powerlessness, and those in authority over them are vested with considerable power to control their lives. The extent to which this power and control is exercised, however, over what areas of their lives, as well as the consistency and fairness with which it is used, are questions of considerable importance.[35] Further, the extent to which the institution itself induces or creates problems of discipline, and the impact of punishment for rule-breaking on the offenders themselves are of crucial concern.

How the women perceive the disciplinary system is central. A system which is perceived by staff to be fair and consistent but by inmates as unjust and inconsistent is unlikely to have the overall effect of maintaining good order. Moreover, a system which is based upon control removes opportunities for people to make their own decisions, and increases their dependency. In the long run it is likely to increase the difficulties they face when they leave prison in regaining some control over their lives, and the chances that they will be reconvicted.

This section is concerned with examining the links between in-prison behaviour and other aspects of the lives of the women. It suggests that much of the problem is situational ie., that women break the rules because there are so many and they are inconsistently enforced, and because of the frustrations of being in prison and the way they are treated; that women who have experienced multiple problems in their lives are more likely to breach disciplinary rules, and that punishment as a response to disciplinary breaches is not necessarily appropriate.

Discipline among the federal population

In interviews with the women the majority of those at P4W and in provincial prisons felt that there were too many rules, most of them petty and vaguely defined, and that there was little consistency in their application.[36] Disciplinary decisions made by the discipline court were also felt to be unfair or inconsistent by the majority (Table XIII).

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[34]. Some of these problems are discussed in The Release Study: Survey of Federally Sentenced Women in the Community (1991-5).

[35]. The development of concern over the limits of discretionary powers in Canadian institutions is discussed by Hattem (1984) and by Jackson (1983).

[36]. See Chapter 11 of the Survey of Federally Sentenced Women (1991-4).

Overall, those at P4W were less satisfied with the disciplinary situation than those in the provinces. Views on the fairness of decisions were also related in part to experience of the system. Those who had been charged for discipline offences had found it unjust and unfair or inconsistent, those with no experience were more likely to think it fair or have no opinion (Table XIV).[37]

The nature of discipline histories

How serious are the discipline infractions recorded against the women? On the basis of file information, just under half the population (46%) in both P4W and the provinces, had charges during their current sentence, ranging from 1 or 2 to a few with over 20 (Table XV).

The majority of charges related to what were rated as, or appeared to be, 'minor' infractions[38]. These included offences which merely break the rules (such as using a radio without headphones, sitting in the cell of another inmate; having extra clothes in the cell; possession of 'contraband' (e.g., having a tomato or lemonade mix in the cell)) or those which disrupt the 'good order' of the institution, such as using bad language, or being disrespectful (e.g., 'yelling, singing and dancing'; throwing a bowl of cereal on the floor; swearing at staff) and refusal to obey orders (e.g., not wearing shoes; refusal to work or get up). Others involved drug-related offences such as 'being under the influence', possession of pills, 'being intoxicated', or refusal to give a urine sample. More serious offences appeared to include threats of violence or actual assaults on staff or other inmates.

It is very difficult on the basis of file information, however, to judge just how serious most charges are. Disobeying an order may be rated as 'minor', 'intermediate' or 'serious'. Charges rated as serious range from 'having a radio on in the cell full blast', or throwing debris, to assault on staff or an inmate. The punishments awarded similarly ranged from a warning, loss of privileges for one or two days, or restriction of movement for an evening, to 30, 60 and in one case 90 days segregation, fines of up to $50, and loss of remission.

Much depends on the circumstances of the event itself, the people involved, and also on the tolerance of the institution. It is evident that provincial prisons, for example, are less tolerant of relationships between inmates, and enforce strict rules about kissing, holding hands, or being in someone else's cell. Differences between institutions are also apparent, some prisons having higher rates of charges than others, some imposing relatively light and some much heavier penalties. It is also clear that a string of minor incidents may result in heavier penalties than isolated ones, and that within an institution some women are given heavier penalties than others for apparently similar behaviour.

Nevertheless, the overall impression is that the great majority of charges are trivial in nature. Many are probably inevitable consequences of trying to live under a disciplinary regime day after day. As one woman explained:

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[37]. Some of these issues are also discussed by Tina Hattem in her account of the experiences of women serving life sentences (1991-3)

[38]. At P4W discipline charges are classified by staff as 'minor', 'intermediate' or 'serious'. The level of the charge determines the form of representation at the disciplinary court. Thus women charged with offenses rated as 'serious' are entitled to legal representation.

"You can get charged for anything, like telling someone to fuck off when you're angry. What else do you do for anger.
There are no outlets...nothing...nothing."

Others relate to differences in backgrounds and cultures, and such factors as the use of street language.

"How do you tell people from another way of life that everything they do kills you?"

Around half of all those with disciplinary offences had only a few charges for minor offences, while a third had accumulated lengthy histories, again usually with numerous minor charges (Table XVI). Among these women, however, were some with more serious charges for assault. Only around five women appeared to have long and relatively more 'serious' histories of disciplinary offences.[39]

Who is charged - the interrelationship with past experiences

Discipline charges were strongly related to age and offending history (but not to length of sentence). Younger women, and those with previous convictions were more likely to have discipline charges against them than older women or first offenders (e.g., 30% of those with no previous convictions had discipline charges, compared with 70% of those with 5 or more prior convictions). Aboriginal women in P4W were also more likely to have discipline charges against them than non-natives (68% compared with 40%).

There are clearly a number of women who find it extremely difficult not to breach the many rules, and who come to be seen in the institution's terms as 'a behavioural problem'. And there are some who are a risk to others as well as themselves. One woman had been charged with over twenty minor offences over a period of 7 months, another had countless charges for threatening behaviour, verbal abuse, refusal to obey orders or to work, possession of contraband, destroying her cell, fighting, and assaults on staff. She had also slashed herself repeatedly and threatened suicide.

The links between having a discipline history, and between self-abusive behaviour are also evident. Those with the longer and more 'serious' histories tend to be those whose own lives are also at risk from suicide attempts or slashing. Many of these women have themselves experienced countless abuses throughout their lives. They have been fostered out at an early age, sexually and physically abused, and some have histories of mental illness. Many have had addiction problems since their early teens, and lived on the streets from an early age.

As with self-injury, examination of aspects of their backgrounds and offending histories showed a clear relationship between background, institutional experiences and disciplinary offences. Those with a disruptive family history, with previous experience of imprisonment, and younger women, were all more likely to have accumulated a history of disciplinary offences during their current sentence (see Appendix III).

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[39]. A number of observers in other countries have shown that women in prison are charged with more offenses against discipline than men, but for less serious offenses. This suggests that they are subject to greater controls than men. See, for example, Lindquist (1980) and discussion in Shaw (1991-3). In a study by Tina Hattem (1984) in Quebec, it would appear that women in Maison Tanguay were more frequently disciplined, but given less serious penalties than men in three male institutions.

Such associations, however, should not allow us to focus only on their behaviour. Many women, as earlier discussions indicated, feel that discipline systems are unfairly applied, and some had experienced discrimination. Many native women in particular felt that they were unfairly charged and discriminated against.

Responses

Our problem lies in our confusion over what is the appropriate response to their behaviour, as well as our failure to recognize that the prison itself encourages that behaviour in the first place. It is difficult to see how someone who has rarely known a caring and protective environment can learn to respond without anger or self-abuse in a punitive and controlling environment. It is easy to see how the regime itself can encourage such behaviour.

Should, for example, a woman with a history of depression, found crouched under a wash basin, crying, be punished for hiding? Should a woman be charged with being verbally abusive following therapy to direct her anger outside, rather than against, herself? While placing her in segregation following incidents which are breaches of discipline may be a way of protecting her, or enabling staff to feel they can keep an eye on her, such methods are still punitive, and perceived to be punitive. Neither can they begin to deal with the sources of her problems.

For such women quite different approaches are necessary. The availability of training in dealing with anger, of a network of intensive one-to-one counselling, and peer-support, for example, are all approaches which need to be explored and developed.

The characteristics of a regime and relationships between staff and inmates are important factors in encouraging or reducing friction. While there is a link between past experience and how people react to being inside, the regime itself plays a major part in generating 'problems'. One comparative study of women's prisons, in fact, has shown that while life experiences and offending history are important in explaining behaviour in prison, more important are relations between staff and inmates and the types of punishment and management practices used.[40]

Summary

Over half the women in the population said they had injured themselves or attempted suicide at some stage in their lives, and 20% during the current sentence. Usually this was a response to situations beyond their control, because of loneliness, depression, the stress of being in prison or in reaction to events there. What they had wanted was someone to talk to about their feelings.

There was a clear relationship between past experiences including a disruptive childhood, physical abuse, and having previous experience of imprisonment, and self-injury. Younger women were also more likely to have injured themselves than older women. Using isolation or punishment to deal with such behaviour is clearly counterproductive.

Overall, the proportion of serious disciplinary histories is not high. Most charges are for relatively trivial offences, and only 16% of the population have accumulated long and in a small minority of cases more serious histories. The links with previous upbringing and experiences suggest that for these women, what is most needed is support and treatment rather than punishment and segregation, and that the latter serves to reinforce their anger and distress.

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[40]. Mandaraka-Sheppard (1984). See also the discussion in Shaw (1991-3) Section V.

Such associations should not allow us to ignore the fact that many of the women found that discipline was unfair and discriminatory.

The mixture of past experiences and a controlling and punitive regime exacerbates the difficulties which some women have, and distresses the lives of many others. Much of the problem is situational, in that women break the rules because of the way they are treated, as well as the frustrations of being placed in a controlling environment in which they are powerless. Apart from a reduction in the reliance on rules for regulating behaviour, the use of mediation, talking, group processes and decision-making are all ways in which more satisfactory resolution could be reached.

SECTION IV

CONCLUSIONS AND RECOMMENDATIONS

PAYING THE PRICE

> Prison is a school for crime
> Prison debilitates
> Imprisonment aggravates poverty and its related problems
>
> Pat Carlen Women, Crime and Poverty 1988.

> "The imprisonment of women in Scotland is not a problem. Few women go to prison and those who do find that Her Majesty's Institution at Corton Vale is modern, clean and pleasant to the eye. Each prisoner has her own centrally heated room with hot water and cold water, there is provision for access to night-time sanitation and prisoners are neither brutalized by physical violence nor terrorized by psychiatric intervention. Corton Vale is definitely not one of those overcrowded, brutalizing institutions which provoke the cries of prison reformers, the recurring headlines about, and inquiries into the 'prison crisis'. Rather it might be seen by some reformers as being the prototype for the prison of the future."
>
> Pat Carlen Women's Imprisonment 1983.

This study has taken place at a time of major rethinking about the way federally sentenced women are dealt with. The future shape of the carceral system for the federal population in Canada is likely to be determined in the course of the next few years. The creation of five new regional centres, an aboriginal healing lodge, and community release centres, on the lines recommended by the Task Force will mark a major change in the organization of the correctional system for federal women.

Nevertheless, this does not remove the necessity for constantly working at the content and shape of those institutions. There is the ever-present danger that the architecture and design of new buildings, and the provision of new physical facilities or even programmes will allow us to assume that new must mean better. Pat Carlen's comments on the only women's prison in Scotland are a warning that the physical plant does not solve the problems of why women end up in prison, or how they react to the problems of being incarcerated, nor what the overall effects of imprisonment upon their lives are.

Secondly, the re-shaping of the federal correctional system does not mean that we must accept imprisonment in its current form as "a given". The history of the development of imprisonment for women shows that there have been constant changes in its philosophy and content, and that prison

is not unchangeable. Now, however, there is much more explicit recognition of the dangers of imprisonment -that it debilitates, acts as a school for crime, and exacerbates the problems present prior to the sentence (Carlen, 1988). There is also much greater recognition of the greater social controls on many women and of the disadvantages they face in society economically.

This points, therefore, to the need not only to consider how to create the kinds of environment within new settings which will create choices in the way the Task Force envisages, and how to provide appropriate programming and services to federally sentenced women which address the underlying problems, but also, how to reduce the flow of women into the federal system, and to develop alternatives to imprisonment as the major sentencing option.

A. SEEING THE WOMEN IN CONTEXT:

In summing up the picture which emerges from this review of the offending histories and life experiences of the federal population, it is clear, firstly, that they do not constitute a dangerous and violent group of women from whom society needs above all to be protected.

Secondly, there would appear to be considerable need for, and scope to develop alternative sentencing structures which place far more emphasis on constructively assessing the circumstances of the women involved, and far less on negative and largely punitive responses.

Previous involvement with criminal justice

Three quarters of the population have either never been convicted of a criminal offence before, or been convicted for minor offences. A quarter of the population have accumulated lengthy histories of offending, some of them involving violence but only 13% have ever committed an offence thought serious or repetitive enough to warrant a federal sentence before (compared with some 40% of the male population).

The great majority of previous convictions have been for minor and often trivial offences. Much of it has involved property offenses associated with cheque and credit card frauds, shoplifting, and possession of stolen property, as well as prostitution and drug-related offences. Offences involving some form of violence such as assaults or robbery have been much less common, and manslaughter or murder very rare. In most cases offences involving violence have received a fine or short provincial sentence, and it would not appear that the extent of violence involved is great. (This is not to deny the impact of the event upon the victim, but to underline that most offences entailing violence do not amount to serious, aggressive or planned attacks).

Limited sentencing

There appears to have been very little variation in the response of the courts to these women. Over a quarter went straight to prison on their first conviction, a quarter were fined with the alternative of prison, and a quarter given a suspended sentence usually with probation. Given that most women do not have many job skills or regular employment, the use of 'deterrent' fines seems pointless, and particularly since most offences had involved a shortage of money in the first place. Thereafter, there was usually a rapid escalation to prison sentences without the option of a fine, and very little subsequent deviation from imprisonment. The repetitive use of short-term prison sentences does not deal with the reasons for continued offending, and increases their chances of returning to prison.

Very little use appears to have been made of less negative and more constructive sentencing such as probation, community service, or some combination involving restitution. The scope for the use of such

measures, and for the development of alternatives such as alcohol and drug treatment centres, women's community residential centres, work or employment skills training, job-placement or supported lodgings would seem to be great. Had such alternatives been available it is probable that fewer of these women would have ended up in the prison system, whether provincial or federal.

Current offences

Twenty three percent of the population were of native origin, far higher than the 2% of the country's population which aboriginal peoples represent overall, and a clear reminder that the development of alternatives for aboriginal women is of primary importance.

The increase in length of sentences which had followed changes in the law means that an increasing number of women are serving long sentences (primarily for murder and drug trafficking). The proportion of women serving federal sentences for murder or manslaughter (42%) is higher than that for the male population, and reflects the fact that few other offences committed by women are seen to warrant a federal sentence. They must also be seen in the context of male offending since women represent only 2% of the total federal population. A quarter of the population were sentenced for assault or robbery and a third for property or drug offences.

Two thirds of those currently serving a sentence for murder or manslaughter are first offenders, or have no prior experience of imprisonment. They tend to be older than the rest of the population. In all but 4 cases they were involved in the death of a relative, close friend or acquaintance, and there is clear evidence that the victim provoked the attack in a third of the cases (but insufficient information to judge for over a third). The chances that most of these women present a risk to society or that they will be subsequently reconvicted for any offence are very low. Overall, those serving shorter sentences for property offences and robbery are more likely to be reconvicted, although women have generally much lower reconviction rates than men.

The impact of alcohol and drugs upon offending is clearly evident,
many of the offences involving violence also involved substance abuse, and much repetitive offending is associated with drug use either directly, or to provide money to buy drugs. Overall women pose less risk and are less likely to be reconvicted than men.

Life experiences

The life experiences of the majority of women have included misuse of alcohol or drugs, physical and sexual abuse, unemployment or low-paid and casual employment. They have few job skills, and many failed to complete their schooling.

Two thirds of them are mothers, and the majority of them have been single parents for all or part of that time. Over half of them experienced major disruption in their lives as children or young adolescents. This has involved such events as the death of parents, early fostering, constant changes of foster home, parental alcoholism, physical or mental illness, residential placement and physical and sexual abuse. Many of these problems are over-lapping and interrelated.

There is considerable evidence that those women who have long histories of offending, are also likely to have had a severely disruptive early family life, to have had foster home and institutional placements, to have experienced physical and sometimes sexual abuse over long periods of their lives, to have few job skills, education or work training, and to have had problems with alcohol or drug use

for a number of years. They are also more likely to have lived on the streets and become involved with the criminal justice system from an early age.

Current work on family violence points to the links between being a victim of violence in childhood, and subsequent offending or use of violence by the victim. Early experiences present a social learning context in which violence is a learned response. There are a number of women in the population whose early childhood experiences would appear to fit this pattern. They have been punished, often with violence, for most of their lives.

The interrelationship between life experiences and offending is borne out by analysis which shows the significant associations between early family life, physical abuse and substance abuse. Substance abuse in turn is the major factor associated with length of offending history, a history of incarcerations and having prior convictions for offences involving violence.

The impact of such experiences on the lives of the aboriginal women was particularly evident in the survey, and reflects the general discrimination against and neglect of aboriginal peoples. Compared with non-native women a higher proportion had dropped out of school, they had rarely had a regular job or even work experience, and they experienced discrimination in applying for jobs. Many had been fostered out to white families and brought up in settings which denied their cultural backgrounds. A number had been brought up in communities characterized by poverty and unemployment and with high levels of alcoholism. These experiences are also well documented in the separate study undertaken for the Task Force by Fran Sugar and Lana Fox.[41]

Experience in prison

Self-injury:

Over half the population interviewed had injured themselves, usually by slashing, or attempted to commit suicide at some stage of their lives, and 20% during the current sentence. Four women have committed suicide since this study began.

The fact that such behaviour occurs almost always in institutions underlines the fact that prison plays a significant role in fostering it. The explanations which the women gave indicated that they had injured themselves when they felt they had no control over situations inside the prison or outside, and when they had felt depressed or lonely.

Almost all of them felt that having someone to talk to about their feelings might have prevented them injuring themselves. Explanations which see self-injury as 'manipulative' or attention seeking may be technically correct - but fail totally to respond to the needs of the women themselves.

There was a clear and significant relationship between having a history of self-injury and a disruptive early family life, having been physically abused, and having a history of incarceration. Those most likely to injure themselves in prison or attempt suicide are those most likely to have experienced extensive and severe abuse and disruption in their lives. Using isolation to deal with such behaviour is wholly inadequate.

These factors all point to the need to recognize the role which prison plays in generating such responses, and to develop alternative approaches to dealing with self-injury, such as that currently

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[41]. Survey of Federally Sentenced Aboriginal Women in the Community (1990). Companion Volume No. 1 to the Task Force report.

being conducted at P4W using peer-group support and staff training, in place of segregation and in some instances punishment.

Discipline:

Those interviewed felt the system of discipline to be inconsistent, unnecessarily restrictive and unjust. With little opportunity to 'let off stream' or find other outlets for pent-up feelings they felt it unreasonable that the only response was discipline. Just under half the population had received charges for disciplinary infractions during their sentence, in most cases for essentially trivial behaviour. Only 16% of the population had accumulated long discipline histories and in a very small number of cases these included more serious behaviour involving violence. These women also tended to have a history of self-injury too.

Again there was a clear relationship between early family experiences and discipline in prison. Younger women, those with previous experience of imprisonment and those with a disruptive family history were much more likely to have a long history of disciplinary charges during their current sentence. Nevertheless, the great majority of those with experience of the discipline system felt that it was inconsistent and discriminatory.

As with self-injury, the use of segregation and punishment to deal with breaches of the rules seems to exacerbate the situation for many of these women. It is likely that much of this behaviour is situational and would not occur in a different setting. There is considerable evidence that prison regimes and management practices themselves play a significant part in its production. It is also counterproductive to use punishment and segregation when more appropriate and less destructive approaches could be used. It is difficult to see how someone who had rarely experienced a caring and protective environment can learn to respond without anger or self-injury in a punitive and controlling environment.

B. THE ESSENTIAL MESSAGES FROM THE WOMEN

To be treated with respect

The essential messages which the women themselves conveyed in the course of their interviews was that they also recognized the need to be treated in a different way. All the women, whether they were first offenders or had long experience of imprisonment, stressed that prison is a dehumanizing institution which places security and control above all other considerations. Those serving life sentences, often with no previous experience of imprisonment, were particularly explicit in their condemnation.[42]

They stressed they had a need and a right to be treated as women first, not prisoners. They felt their views, their feelings and their needs should be treated with respect and with dignity, and that their cultural and spiritual backgrounds should be respected.

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[42]. A detailed account of how women serving life sentences experience prison is provided by Tina Hattem (1991-3).

To receive support not control

They felt they needed support in coming to terms with their situation, rather than control. A large component of this support and respect comes from how they are treated by staff with whom they come into contact. Discussion, negotiation of problems, mediation, are all ways in which they too felt issues and disputes could be better handled. They also felt it essential that staff working with women in prison should receive training. They should have an understanding of their experiences, be aware of the implications of addiction and abuse on women's lives, and of the kinds of lives they have lived. They should be able to talk and communicate rather than punish.

Likewise the women interviewed in the community stressed that the quality of the relationship they established with community workers, parole or classification officers was an essential component for their satisfactory progress and reintegration into the community.

Self-determination

Another aspect of control is their lack of self-determination which removes from them any sense of direction or responsibility for their lives. Within the prison they wanted more control over such issues as their health, exercise or diet. They wanted access to better medical care, both physical and mental, and less reliance on medication.[43] They also wanted the opportunity to receive counselling for sexual and physical abuse, for example, or have access to good and intensive programmes for addiction.

They want to have some choice in the facilities and programmes in which they take part. Women housed in provincial prisons have almost no access to work-training, or sometimes even prison 'housework'. They want access to good educational programmes, skills training in a range of both traditional and non-traditional fields, and job support to enable them to begin to establish their own independence. Only three women said they did not want a paid job when they left prison. Those on release, however, were facing the realities of finding good satisfying jobs, and the need for considerably more help in training, job finding and work support was very evident.

Many women also stressed that they would like the choice to take or not to take programmes. Women interviewed in the community similarly pointed to the need to work at their own pace, and not in terms of some imposed formula. They did not always feel conditions imposed on them to be necessary. Many found half-way houses too restrictive, with rules which treat women as children. Such restrictions and conditions do not allow them to regain a sense of control, over and responsibility for, their own lives.

The impact of imprisonment on families

They wish to be near to their families and not to be cut off from physical contact with them. This is important both for those with and those without children. Whether they have very young children, teenagers or older children, those who are mothers said they are often as dependant upon their children as their children may be upon them. It is a mistake to assume that the issue of motherhood consists solely in terms of bonding in the first five years of life.[44] Women with young teenagers also found it very difficult to maintain their parenting role. Those at P4W often found it too painful to have the infrequent visits imposed by transportation problems and distance. Among those who are single mothers the economic burdens are great. As a result of their sentence a number of women had lost

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[43]. Their experiences of health care are discussed in the report of the prison survey and also in Hattem (1991-4).

[44]. See, for example,the extensive issues reviewed by Cannings (1990).

custody or contact with their children, others were trying to bring them up by proxy. They wanted both financial and legal support to help them regain access.

Being native

Aboriginal women stressed the enormous difficulties they experience of being victimized and trying to survive in a white society, and within a criminal justice system which does not understand their cultural identity. They made a strong and uniform plea that they needed contact with native staff and such things as traditional medicines, access to their cultural and spiritual backgrounds, and treatment programmes run by and for natives. They were more likely to have children than non-native women, and to be further from their homes and communities.

The provincial experience

Those federally sentenced women who are housed in provincial prisons are generally in much closer contact with their families, often seeing them several times a week, but they suffer serious disadvantages in terms of the often total lack of programmes and services suited to their needs or interests. Facilities for visits, exercise, education and work training programmes, special counselling for abuse survivors, for example, are either absent or at the most very limited in scope.

They had also forfeited their rights to some extent to such things as free medical or dental treatment, and clothing assistance on release. Relations with staff on the other hand are usually better than at P4W, although disciplinary rules tended to be more restrictive.

On the whole provincially housed women have been neglected, they are scattered in small numbers across the provinces, but have very limited awareness of their rights as federal prisoners, and are often not able to make appropriate choices about issues such as opting for federal or provincial parole.

C. PLACING FEDERAL WOMEN IN CONTEXT

The population of federally sentenced women represents just 2% of the total federal population, and they should rather be seen as part of the much larger group of women who come into conflict with the law across Canada. Some 5,000 women are remanded in custody to provincial prisons each year, and some 8,800 women admitted to provincial prisons on sentence. In addition, an unknown number of women choose prison in place of a fine, or end up in prison for non-payment.

The limited range of sentencing and the repetitive use of short-term prison sentences found in the study is underlined by comparisons with other countries in the use of imprisonment for women. These suggest that at the provincial level, Canada makes far greater use of imprisonment per head of population than England and Wales, for example, and particularly for very short sentences under 6 months.[45] While such comparisons are very difficult to make with accuracy, there seem considerable grounds for concluding that the heavy use of short sentences marks the lack of, or unwillingness to use, alternative sentencing options.

There also seem grounds for concluding that far greater use is made of remands in custody for women in Canada than England and Wales (a factor which has been shown to increase the likelihood of a

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[45]. See discussion in Shaw (1991-3) Section III.

custodial sentence). It is probable that levels of imprisonment for women in England and Wales are themselves far higher than they should be.

Canada is not alone in finding increasing numbers of women serving long sentences, and with high levels of substance abuse, physical and sexual abuse, single parents and unemployment, or low educational attainment and job skills among its female prison population. Other countries too have recognized that women generally pose less risk than men and have lower chances of being reconvicted, and that there has been a long-standing neglect of women's imprisonment. They have neglected to provide for such things as good health care, psychiatric care, or job training for women in prison, although a number of innovative programmes and approaches have been initiated in recent years.[48]

Approaching change

Prison is not able to deal with many of the problems which women may have when they arrive, nor with those which develop as a result of being inside, and may be exacerbating them. At the provincial level, it does not provide treatment for obvious problems such as addiction or lack of job-skills. And the continued use of short-term imprisonment for women who repeatedly appear before the courts merely provides a learning experience for continued crime, and in some cases, for the build-up of a greater sense of injustice.

At the federal and provincial level, the continued emphasis on security and discipline contributes to problems of discipline and self-abuse. It fails to provide medical, psychiatric, or counselling support to deal with the minority of women with severe psychiatric problems or the large number who feel the need for support in dealing with physical and sexual abuse.

An earlier report (Shaw 1991-3) identified alternative approaches to dealing with the issue of imprisonment or increases in offending. Some changes act to strengthen the controlling or punitive aspects of the criminal justice system. Thus increasing sentence lengths, tightening controls on parole decision-making, building more prisons to cope with expanding numbers of offenders or overcrowding, all help to strengthen the controlling aspects of the criminal justice system and reinforce its essentially 'punitive' philosophy. Such a response is particularly characteristic of many states in the USA which have resorted to 'building' themselves out of the crisis of overcrowded prisons in this way. Some emphasise improving conditions within institutions by better design, or meeting the needs of inmates with increased programme provision.

Others have worked at trying to reduce the flow of offenders into the criminal justice system in the first place. Thus the state of Georgia, for example, has developed a coherent strategy for women of non-residential programmes, community residential centres, increasing use of parole, transition houses, employment counselling, job placement, mother and child programmes and literacy programmes. All of these programmes start from the premise that involvement with the justice system can only be reduced by working with the problems and disadvantages that the women have in their society.

As has been argued in this report there is clearly considerable scope and need for the development of such a strategy here. It also underpins in part the recommendations of the Task Force. There is, however, a third approach which can also be identified and is implicit in the Task Force. This goes further than seeing change in terms of the provision of a broader range of facilities. It involves a difference in emphasis in our response to those who break the law. It suggests changing the basis of

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[48]. See for example those reviewed by Karen Cannings (1990) and by Lee Axon (1989a & 1989b).

sentencing to one which focuses on the effects upon the victim and the community, and how these might be redressed, rather than on the breach of the law itself.

Such a refocussing of criminal justice has been discussed elsewhere.[47] It emphasises redressing the harm that has been done to those involved in an offence, and as well as addressing some of the underlying reasons for that offending, rather than on establishing blame and emphasising punishment and retribution. Much of the discussion of this approach focuses on what should be happening at the level of sentencing and initial entry into the criminal justice system. A number of mediation schemes, for example, have demonstrated the scope for using such an approach even for offences involving violence. Some schemes have also been initiated within institutions, both prisons and community residential settings. There is considerable scope for a much more fundamental change in emphasis in how day-to-day problems are dealt with as well as in the underlying structure of roles and relationships within the prison.

This report has argued, as did the women themselves, that the emphasis on deterrent sentences, on control and the use of punishment is largely counterproductive. Both in prison and outside there is a need to focus upon dispute resolution, upon mediation and group processes, upon counselling and treatment and support, rather than on punishment and control.

D. FUTURE WORK

Confronting the issues

Outlining a programme of work which needs to be done is not difficult, although finding resources to undertake such work may not be so easy. Nor is it likely to be easy to develop alternative approaches to dealing with some of these issues given that our carceral system has been based on essentially the same principles for many years. The difficulties of developing new strategies for dealing with behaviour which is aggressive or involves assaults, or for women with a high levels of need when they leave the prison, for example, cannot be underestimated. It would be naive to assume that change can be brought about overnight. Nor can such changes be developed without enormous support and training being provided for the staff and other personnel involved.

What is important is to attempt to maintain a balance between ideas and practice, between research and innovative policies through a variety of different approaches. Exploratory studies; studies which look both at the official flow of cases but also take account of the views of those going through the system to provide a more 'rounded' account of the problems; studies designed to develop 'tools' for the redirection of practice; pilot projects, are all ways of pinpointing the scope for alternative approaches and demonstrating their practicality.

It is, however, essential in dealing with the development of community projects for women, to recognize that it will not be possible to undertake 'perfect research and evaluation'. Precisely because there are relatively few women involved with the criminal justice system, located in small numbers across the provinces, and they do not have homogeneous backgrounds or needs, many initiatives have to be very small in scale. Neither is it feasible in these circumstances to be able to 'control' for local variations in approach or the characteristics of project leaders.

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[47]. See for example the discussion papers prepared by National Associations Active in Criminal Justice Making Justice Real (1990), and the Church Council on Justice and Corrections (1988), and Harris (1987 & 1989).

This is not to argue that evaluation is not important, but that the emphasis should be on monitoring programmes, identifying problems and improvements, and assessing the range of benefits which appear to accrue. These might include such things as improvements in job skills or education levels, a more stable residential base, better employment, a reduction in substance abuse, or greater self-reliance, apart from re-offending. We need to be able to identify and develop 'good-enough' models, rather than perfect blueprints. A number of imaginative initiatives which appear to be viable are already in existence, and the WICL initiative similarly stimulated others (Adelberg & Laprairie, 1985).[48] A major problem, in Canada, seems to be that such pilot projects tend to fold for lack of sustained funding.

What is required is an approach which develops projects because they seem to present better alternatives to current strategies, rather than because they can demonstrate direct reductions in recidivism. It also requires an acceptance of the fact that projects should not have to rely on prison for their justification, by in some way providing a punitive and controlling alternative.

Such activity also needs to be developed at a variety of levels, from system-wide problems to day-to-day managerial and administrative problems. The kinds of research, action and policy initiatives which are needed fall into a number of areas. Some of those which have been identified in this report are outlined briefly below. They include entry into the criminal justice system, the development of alternative approaches and programmes in the community, the development of alternative approaches to prison regimes, and the development of programmes for re-entry into the community. Many of these issues are touched on in the Task Force report, but the purpose here is to consider the broader problems of women's involvement with criminal justice beyond federal responsibility.

A Entry into the criminal justice system

There is a need for studies which look at the broader issues concerning the philosophy and efficacy of punishment and the future of imprisonment as a form of sentencing for women (and men) in Canada, and the scope for decarceration. Other more practical research is needed which focuses on the development of non-coercive approaches to criminal justice using reparation, mediation and victim-oriented approaches, but which avoid extending the scope of the justice system unnecessarily. Projects are also needed which examine entry into the system and how women move through it, to identify ways of reducing entry and minimizing criminalization. Specific studies might include:

- a study of the criminalization of women looking at the processes by which girls become involved with institutional systems

- a system-wide study of the use of provincial prisons for women to identify the scope for alternatives and diversion (including ways of avoiding the use of custodial remands, short-term imprisonment, imprisonment in default)

- a study of fine option programmes, ways of reducing the use of fines for women without means to pay and the elimination of the use of imprisonment in default

- the development of existing projects, new pilot projects and 'tools' for setting up mediation intervention schemes for women

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[48]. The Women in Conflict with the Law initiative established by the Ministry of the Solicitor General provided funding for a range of initiatives from 1984-89.

- a study of ways of increasing the involvement of the courts in the development and use of alternatives in a region

B Development of alternative programmes in the community

Here again the emphasis should be upon the development of programmes which are non-coercive, and which are used - initially - as alternatives to prison. They should take account of the underlying reasons for offending as well as the need for offenders to accept responsibility for their actions. In particular, the overwhelming impact of drug and alcohol abuse on the lives of many women needs to be confronted by the provision of a wider range of programmes. There should also be an emphasis on developing programmes specifically for women, rather than adapted from those used for men, and on programmes specifically for aboriginal women.

Such studies should include:

- the development of alternatives to incarceration for women and alternative sentences, which provide support and direction, such as community service, day-training centres, work and job-related skills-training, sheltered workshops, supported lodging schemes, counselling services (including problems of physical and sexual abuse).

- a major study of a range of approaches and programmes to deal with alcohol and drug abuse among women, and the development of sentencing alternatives which build in treatment for women who are substance abusers in a non-coercive way and avoiding the use of prison for breaches of conditions.

- the development of a range of supported accommodation options for women such as short-stay centres and hostels, supported lodging schemes, family accommodation, satellite apartments as alternatives to prison.

- the development of projects which focus on supporting mothers with children including peer support groups

C Development of alternative approaches to prison regimes

The emphasis here should be on developing innovative approaches which are supportive rather than punitive. The need to focus on the recruitment and training of staff working with women in prison is implicit in the successful development of new ways of relating and treating women in prison. Such projects which need to include the development of 'tools' for wider development should include:

- a study of ways of reducing the inconsistency and range of discipline systems and

- the development of non-coercive approaches to conflict resolution in prison in general including staff training in mediation techniques

- the development of alternative ways of dealing with violence and self-injury inside prison, including the use of conflict resolution techniques, peer support groups, community supports and staff training

- the provision of on-going counselling for women with histories of physical and sexual abuse with staff specializing in such techniques.

- the development of a wider range of in-prison substance abuse programmes designed for women

- development of projects at a local level which provide support and attempt to minimize the disruption of parental involvement with their children.

- a programme emphasising the development of job-skills and educational levels with job-placement and support on release.

D Re-entry into the community

The emphasis here should be similar to that in earlier phases, non-coercive, supportive, recognizing the need for women to extend their responsibility and work at their own pace. It should also allow for gradual improvement rather than absolute adherence to conditions, and include pro-active assistance for the central problems of work training, job finding and support, and addiction. Exclusion policies also need to be considered, so that those with a high need for support are not excluded from most facilities on the grounds of their addiction or instability for example.

The major area for development is to work through the implications of the community release centres outlined by the Task Force. This includes the development of a wider range of half-way houses suited to women with different needs (e.g., Aboriginal women, those with children, etc.); alternatives to half-way houses such as satellite apartments, supported lodging schemes, and aboriginal centres; and the development of peer-support groups for those who feel the need to deal with common problems. Finally, there needs to be a network of programmes and facilities for high need women, which provides continuing sources of support beyond parole or mandatory supervision expiry.

PAYING THE PRICE

What this study has shown is that both the women themselves, and society at large, have had to pay the price for our neglect. Many of the women in the federal population are paying the price of a disruptive and disadvantaged upbringing, for being fostered out or institutionalized at an early age, for dropping out of the educational system or never entering the legitimate job market, or entering it at a level which exploits them, or for being of native origin in a white society. Many are paying the price for misusing alcohol or drugs, or for having lived in physically or sexually abusive situations. We are also paying the price for not having recognized at an earlier stage in their lives that alternative ways of dealing with them other than showing disapproval and awarding punishment might have offered them more opportunities.

None of this removes from them all responsibility for their actions, but it does help to show the severe difficulties which some women face in their daily lives, and the difficulties they face with being in prison. By focusing on their illegal actions or their breaches of routine prison rules we are ignoring the fact that punishment has not worked. Many have experienced punishment in some form most of their lives, and it will need very different approaches to help them develop alternative skills and ways of relating to people and situations.

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APPENDIX I

A NOTE ON METHOD

The prison survey was conducted between July and November 1989. Interviews were held at the Prison for Women from August to October. Interviews with women in the provinces took place from September to November. A total of eleven provincial prisons were visited.

All federally sentenced women on register at the start of interviewing were individually invited to take part. Pilot interviews were conducted in July, but final interviews did not begin until full agreement on the questionnaire with the Task Force was reached in August.

Provincial interviews required the completion of negotiations with the provinces for access to prisons housing federally sentenced women. These women were located through the CSC Offender Information System and Regional Offices of the CSC and invited to take part by the director or warden of the institution concerned.

The total number of women on register and in residence at the time of the survey (i.e., excluding those absent without leave, or on day parole outside prison[49]) was 203[50]. Of these 170 (84%) agreed to take part in the interviews. Twenty five (12%) refused the interview, and a further 8 women (4%) were not seen for administrative reasons (e.g., they were released before seen, or unavailable within the time allocated for specific interviewers).

Comparisons between those interviewed and those not seen (refused or unavailable) suggest that the later tended to be slightly older, and included a higher proportion serving life sentences (14 out of 33 women (42%) compared with 32 out of 170 (19%)).

Apart from interviews, basic information on the backgrounds of the total population of federal women was collated from files for all but 4 women in the provinces who refused an interview. A check of RCMP records was subsequently made in cases where files were incomplete, and to check conflicting information. This revealed some additional information, but no major discrepancies.

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[49]. In principle offenders are eligible for day parole after serving one sixth of their sentence, and for 'absence temporaires' in Quebec after one third.

[50]. The population profile figures compiled by the CSC were 287 for June 1989 and 276 for September 1989. Only 203 women were actually in residence at the time of the study. The majority of the remainder were on day parole. Thus 11 federal women on register at Maison Tanguay in Montreal were located in nearby houses on 'absence temporaires'.

Questionnaire

The Working Group of the Task Force had requested information on 'inmates programme needs'. The questionnaire was designed in discussion with the Working Group to provide information not routinely available (e.g., on children and arrangements for their care) to assess the views of the women on programme needs, and to record their experiences of imprisonment. As far as possible questions were designed to take account of the concerns of aboriginal as well as non-aboriginal women.

The interview schedule included both semi-structured and open-ended questions, and ample opportunity was given for women to talk at length about those issues which concerned them most, or other issues not raised in the questionnaire. (A copy of the questionnaire is appended to the report to the Task Force Survey of Federally Sentenced Women).

Interviews

Prior to the commencement of the study, meetings were held at Prison For Women with the Inmate Committee and the Native Sisterhood, as well as with staff, to explain the purpose of the survey and its links with the Task Force, and to ask for their support.

All women were interviewed in private (with the exception of one or two who did not speak English or French and where another inmate acted as interpreter). All women were given an assurance of confidentiality, and that nothing anyone said would be identified by name. French-speaking women were interviewed in the language of their choice, and aboriginal women by native interviewers.

Interviews lasted between 3/4 hour and two hours or more. The majority lasted about 1 1/2 hours. Those at Prison for Women were conducted by Karen Rodgers, Lee Seto Thomas and Tina Hattem, and in the provinces by Lada Tamarack, Tina Hattem and Johanne Blanchette.

Problems with recorded information

Information on offending histories and the backgrounds of the women was collated from files kept in the prisons. There are a number of problems associated with the use of such sources which need to be taken into account in interpreting their content.

Working dossiers contain routine records and reports compiled for purposes other than research. Files may be incomplete, or contain discrepant information. There was some variability in the completeness of prison files across the provinces and at P4W, often depending on how long the woman in question had been at that prison, but also on local practice. Some provincial prisons did not maintain extensive dossiers. Lack of information does not allow us to conclude that there is nothing of significance to report, however, and there is often no easy way of sorting out discrepancies.

A major problem, however, is that of 'labelling'. Report writers must often rely on previous reports from a variety of sources, and cannot, or do not always verify information. Thus an earlier reference to 'addiction' or an 'escape attempt' may be repeated in subsequent reports but bear little relationship to either the actual situation in the past or the current situation of the offender. Assessments and judgments contained in the records will also reflect the subjective views and interpretations of the writers. This is understandable, but may again colour the picture or the labels applied to the offender in question in a way which is not strictly accurate or no longer true.

Again, information not thought by report writers to be of relevance to particular decision points or events may be excluded, but from the offender's point of view such information might put a rather different perspective on the situation. Any description of events or circumstances represents a reconstruction of what took place and what factors are significant. Records may include information about offences, but only from the point of view of the prosecution. (While Case Management forms currently in use in federal prisons do attempt to record the offender's view of certain events, such forms were not available for all women in P4W, and none of those in provincial prisons).

All of these problems make data collection from records less than satisfactory, but in the time available for the study it provided a better picture than that available from routine statistical sources.

Research constraints

It must be noted that while the Task Force provided the main impetus for the study, the need to work within their time-frame and priorities placed a number of constraints on the shape and conduct of the project which would not be present under more normal research conditions. The most significant was that all interviews, file review, coding and analysis had to be completed within a three month period, and a report on the interviews completed by December 1989.

Since interviews did not start until August when final agreement was reached with the Working Group on the questionnaire, and entry to some provincial prisons was not gained until October, this placed severe restrictions on the scope for detailed preparation and data collection, as well as affecting the preparation of reports. Additional constraints were imposed by institutional timetables or work schedules which limited the periods available for interviews.

APPENDIX II

FEDERAL FEMALE OFFENDER: POPULATION PROFILE

At the time of the survey there were 203 women actually serving federal sentences in prison.[51] Of these, 125 were located at the Prison for Women in Kingston (P4W), and 78 in the provinces under Exchange of Service Agreements. Apart from P4W the women were housed in 12 different provincial institutions.

Prior to their conviction, the women had been living in a wide range of cities, towns, small communities and reserves across Canada: 42 in Ontario, 49 in Quebec, 15 in the Maritime provinces, 12 in Manitoba, 13 in Saskatchewan, 34 in Alberta and 28 in British Columbia. Ten women came from outside Canada, mainly Hong Kong and the USA or South America, but included 5 whose mother tongue was not English or French, and who had considerable communication difficulties.

Native Population

Among this population 46 (23%) were aboriginal. (This figure is higher than that given by the Offender Information System for June 1989 (16%) and which includes women out on day parole. The difference may in part be accounted for by the fact that aboriginal women are less likely to be granted day parole). Of these 39 were interviewed (22 at Prison for Women, and 17 in the provinces) 5 refused interviews, and 2 could not be seen for administrative reasons.

French-speaking Population

A total of 43 (21%) women in the population were French-Canadian. Of these 30 were interviewed in French, three chose to be interviewed in English, 8 refused interviews and three could not be seen for administrative reasons.

Current sentence

Sentence lengths for the population ranged from under two years for a few returned to prison for subsequent sentences while on parole, to those serving life sentences with a minimum of twenty five years before parole eligibility. Altogether 98 (48%) were serving sentences of under 5 years, 45 (22%) between 5 and 9 years, and 60 (30%) ten years or more (Table A).

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[51]. The 'on register' figure given by the Offender information System for June 1989 was 287. This figure includes women out on day parole or temporary absence as well as those unlawfully at large.

TABLE A

Distribution of the current population by length of sentence						
	P4W		Provinces		Total	
Two to four years	46	(37%)	52	(67%)	98	48%
Five to nine years	31	(25%)	14	(18%)	45	22%
Ten years or more	48	(38%)	12	(15%)	60	30%
Total	125		78		203	100%

Forty-six (23%) of these women were serving life sentences, 10 of them with a minimum of 25 years before parole eligibility date. The majority of long sentence women serving five years or more were located in P4W, but 26 including 10 lifers were in provincial prisons, primarily in Quebec.

Forty four women were serving sentences for first or second degree murder, 38 for manslaughter, 3 for attempted murder, 24 for robbery, 21 for assaults and arson etc., 30 for theft, fraud and breaking and entering, 24 for drug offences and 9 for other offences. Overall, therefore, 42% of the population were serving sentences for murder or manslaughter, 27% for robbery and other more minor violent offences, and 31% for non-violent offences.

Slightly higher proportions of women serving sentences for non-violent offences and manslaughter were housed in provincial prisons than in P4W, and a higher proportion of murder cases in P4W than the provinces. This reflects the tendency for women serving longer sentences to be transferred to P4W.

Other factors

They ranged in age from 19 to 74 years, with an average of 33 years. Those in provincial prisons tended to be slightly younger than those at P4W.

A third of the population were single (34%) and had never married or lived in common-law relationships. The same proportion were married or had current common-law relationships, and the remainder were separated, divorced or widowed. In many cases, the women have lived in more than one common-law relationship, or been married several times. However, current marital status does not provide any real information about their family responsibilities or community ties and support.

Two thirds of the women were mothers (65%) and between them they had a total of 274 children. Excluding those whose children had been adopted at an early age, or were now adult, 48% had at least one child under 17 years for who they had some responsibility, and 24% at least one child under 5 years. Overall 70% of those with children had been single parents for all or part of the time.

TABLES REFERENCED IN THE MAIN TEXT OF THE REPORT

TABLE I

No. of previous convictions						
	P4W		Provinces		Total	
None	39	31%	34	44%	73	36%
1-2	24		12		36	18%
3-6	20		18		38	19%
7-10	21	34%	10	18%	31	15%)27%
11 or more	21		4		25	12%)
Total	125	100%	78	100%	203	100%

TABLE II

Most serious previous conviction		
Murder, att. murder, manslaughter	5	33%
Assaults etc.	30	
Robbery	31	
Theft, break and enter, fraud etc.	46	31%
Drugs	6	
Other	10	
No information	2	
No previous convictions	73	36%
Total	203	100%

TABLE III

Summary of previous offending history		
No previous convictions	73	36%
Short history minor offences only	41	38%
Long history, minor offences	37	
Long history, minor & more serious	48	26%
Mostly serious	4	
Total	203	100%

TABLE IV

Age at 1st offence							
	1st offenders		Recidivists		Total		
Under 16 years	0	7%	17	59%	17	41%	
16-20	5		61		66		
21-25	14	53%	22	33%	36	40%	
26-35	25		20		45		
36-46	17	36%	7	8%	24	17%	
47 plus	10		1		11		
No information	2		2		4		
Total	73	100%	130	100%	203	100%	

TABLE V

No. of previous federal incarcerations		
None	177	87%
1	17	8%
2-4	9	4%
Total	203	100%

TABLE VI

No. of previous provincial incarceration		
None	108	53%
1	21	10%
2-4	39	19%
5-7	23	11%
8 or more	12	6%
Total	203	100%

TABLE VII

Total number of previous incarcerations		
None	103	51%
1	19	9%
2-4	39	19%
5-7	29	14%
8 or more	13	6%
Total	203	100%

TABLE VIII

Distribution of the current population by offence [62]		
Murder	44	42%
Attempted murder	3	
Manslaughter	38	
Robbery	34	27%
Assaults	21	
Theft, fraud etc.	30	31%
Drug offences	24	
Other	9	
Total	203	100%

TABLE IX

Previous alcohol and drug history (file report)		
Some alcohol	5	19%
Some drugs	25	
Some both	9	
Major alcohol	18	52%
Major drugs	35	
Major both	52	
None	48	24%
No information	11	5%
Total	203	100%

[62]. Providing a precise account of current offence is difficult since some women are serving sentences for offenses committed while completing a prior federal sentence. Fifty eight women had been returned to prison for revocation of release conditions, including 31 for committing a new offence. This table takes their new offence as the current offence.

TABLE X

Work history (file report)		
Never worked	9	4%
Illegal only	24	12%
Unskilled jobs but often unemployed	105	52%
Skilled jobs	36	18%
Profess., managerial etc.	20	10%
No information	9	4%
Total	203	100%

TABLE XI

Early family history (file report)			
No problems mentioned	44	22%	
Some disruption	36	18%	
Major disruption	22	11%	57%
Extensive and prolonged	56	28%	
No information	45	22%	
Total	203	100%	

TABLE XII

Have ever injured themselves or attempted suicide (interviewed group only)						
	P4W		Provinces		Total	
Before coming	36		25		61	36%
In here only	10		4		14	8%
Both	14		6		20	12%
Never	42	41%	32	47%	74	44%
No information	-		1		1	
Total	102		68		170	100%

TABLE XIII

Views on discipline decisions (interviewed group only)						
	P4W		Provinces		Total	
Decisions fair, alright	15	15%	23	34%	38	22%
Inconsistent	28	27%	10	15%	38	22%
Unfair, too heavy	48	47%	25	37%	73	43%
Don't know	7		7		14	8%
No information	4		3		7	4%
Total	102	(100%)	68	(100%)	170	100%

TABLE XIV

Views on discipline in relation to discipline history				
	No History	Some History	No Information	Total
Decisions fair	28 (75%)	9	1	38 (100%)
Inconsistent	20 (75%)	18	-	38 (100%)
Unfair, too heavy	29 (40%)	44	-	73 (100%)
Don't know	12 (86%)	2	-	14 (100%)
No information	3	4	-	7
Total interviewed	92	77	1	170

TABLE XV

No. of discipline charges recorded (file report)		
None	104	51%
1-2	26	13%
3-4	20	10%
5-10	20	10%
11 or more	28	14%
No information	5	2%
Total	203	100%

TABLE XVI

Discipline history (file report)						
	P4W		Provinces		Total	
None mentioned	67	54%	37	47%	104	51%
Short, minor	26		17		43	21%
Short, minor and more serious	11		7		18	9%
Longer, minor and more serious	17		11		28	14%
Long, mainly serious	4		1		5	2%
No information	-		5		5	2%
Total	125		78		203	100%

APPENDIX III

NOTE ON DATA ANALYSIS

In order to test the significance of the interrelationship of the background and offending histories of the population, a series of multiple regression and binomial probit analyses were conducted.

The main factors entered into the model were:

age
native/non-native status
early family history
history of alcohol or drug abuse
employment status
history of physical abuse
history of sexual abuse
self injury
discipline history
number of previous convictions
number of previous incarcerations
number of 'serious' offences
main current offence
aggregate sentence length

The principle results referred to in the text of the report are as follows:

<u>History of alcohol or drug abuse</u>

The best explanatory model was physical abuse (t value 1.97) and early family history (t value 2.86). This suggests that women with disrupted family histories who had experienced physical abuse are likely to have a history of alcohol and drug misuse.

When a dichotomized variable usually worked/usually not worked was entered, this had a t value of 4.32, but physical abuse just failed to reach the significance level although early family history was still significant. Since employment status and substance abuse can be seen as contemporary rather than causal variables, it is legitimate to exclude the former.

Offending history - number of previous convictions

The best explanatory model was being native (t value 3.18) and having a history of alcohol and drug abuse (t value 2.84).

Offending history - number of previous incarcerations

The best explanatory model was having a history of substance abuse (t value 2.82).

Offending history - number of previous 'serious' offences

The best explanatory model included a history of substance abuse and age (t values 2.46 and -2.33). Younger women and those with a history of substance abuse were more likely to have 'serious' previous offences involving violence.

Main current offence

When dichotomised (violent/non-violent) the best explanatory model included age (t value-3.39) and number of previous convictions (t value 2.29). This suggests that younger women and those with a several previous convictions were more likely to be serving a sentence for a violent offence currently. There are considerable problems in explaining current offence since many older women who are first offenders are serving a first offence classified as violent and it fails to be a particularly useful measure.

Self-injury

The best explanatory model included early family history (t value 3.46) age (t value-3.13) physical abuse (t value 2.83) and number of previous incarcerations (t value 2.02). Younger women and those with a history of physical abuse and previous incarcerations were more likely to have injured themselves.

Discipline history

The best explanatory model included age (t value-2.33) early family history (t value 2.56) and previous incarcerations (t value 1.93).

Sexual abuse

The best explanatory model included early family history (t value 2.33) physical abuse (t value 3.66) and age (t value-2.48). Younger women, those with a disruptive family history and a history of physical abuse were more likely to have a history of sexual abuse.

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